

FROM AN INDIAN BAR ROOM.

**FROM
AN INDIAN
BAR ROOM
SKETCHES, TALKS & TALES**

**BY
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**CALCUTTA:
BUTTERWORTH & CO. (INDIA), LTD.,
6, HASTINGS STREET.**

1920

PRINTED BY CALEDONIAN PRINTING COMPANY, LD.
3, WELLESLEY PLACE, CALCUTTA

38329

FOREWORD.

These Sketches, Talks and Tales were written at different times for publication in the columns of a newspaper, which accounts for the miscellaneous character of their contents.

In connection with the chapter on the Law, it may be pointed out that most of the general law of India is taken from the law of England, and that more or less similar difficulties of interpretation arise in both countries, but that judicial dissent is nothing like so common in England as it is in India. This difference in results is in a great measure due to two causes: (1) In England the law is uncodified, and is therefore flexible and readily adaptable to the particular facts; in India the same law is thrown into "sections" which are necessarily narrow and rigid in their application to the multitudinously varied cases which come before the courts. (2) For England there is but one High Court; in India there are many High Courts with a consequent weakening of esprit de corps among the judges.

F. W. D.

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LAWYERS

LAWYERS



LAWYERS are a species of the human family divided into three varieties—the Barrister, the Solicitor, and the Pleader.

I will first speak of the barrister. He is called to the utter (or outer) bar, that is to say given his degree of barrister, by one of the four Inns of Court in London, namely, the Inner Temple, Middle Temple, Lincoln's Inn, and Gray's Inn.

His course of studies extends over three years, and he must pass two examinations, the first in Roman Law, and the other in the principles of English Law. He must also dine in Hall at least six times in each of the twelve terms making a total of seventy-two dinners eaten. It is on the conclusion of these intellectual and gastronomic exercises that he is called, after which he is turned loose to earn his living as best he can in the most difficult profession in the world.

The barrister has an ancient and honourable pedigree. In the days of old Rome certain patricians, when they went abroad, were attended through the streets by a troop of humbler neighbours known as their clients. In return for this and other services of a like nature, the patrician or patron regarded himself as being under an obligation to uphold and defend his client if the latter got "run in" and was carried to the forum.

The barrister is a descendant of the Roman patron. Consequently, though this is flying in the face of the facts, he is presumed not to give his professional services in return for filthy lucre, but as an offering voluntarily laid by him on the altar of duty!

To show how far this fiction has been carried, it may be mentioned that it has been judicially decided in

England, and also by some High Courts in India, that not only may a barrister not sue for his fee, but that, if he takes a fee and yet does not perform the service agreed upon, no action will lie against him in the courts for the return of the money!

It follows, as a part of the fiction, that a barrister cannot advertise his business as a tradesman does. This would be regarded as a high misdemeanour, subjecting him to be disbarred, that is, ignominiously expelled from the Inn of Court of which he is a member.

A barrister is supposed to be wholly an advocate. In the Indian mofussil, however, he is obliged also to play the part of a solicitor, and to receive his clients and take instructions from them. But in England, and in towns in India where the solicitor system prevails, he is not brought into direct contact with his client, at least in the earlier stages. It is the solicitor who takes the instructions, sees the witnesses, prepares a brief as the result of his inquiries, and settles both his own and the barrister's fees. In short, until the case goes into court, the sole guide, philosopher and friend of the client is the solicitor. Once however the case has come to a hearing, the whole burden of it falls upon the barrister. It is he who examines and cross-examines the witnesses, on the brief furnished to him by the solicitor, and he who addresses the judge or the jury, as the case may be.

Barristers are expected to appear in Court clothed in raiments of a sombre hue, a coat at least of a dark colour being *de rigueur*. The violation of this ordinance leads to an awful consequence. The judge will be stricken by a sudden and peculiar form of blindness, and become unable to "see" the barrister, with the result that the latter cannot conduct his case! Never shall I forget the day when an innocent young junior fell into this trap. It was in the hot weather, and he stepped into

court seasonably and airily attired in a suit of "brown hollands." When got to realise the enormity of his act, he pleaded earnestly for forgiveness, promising in the future to wear the white flower of a blameless life, but it was all to no purpose. The judge was inexorable, and would only repeat, "I cannot see you, Mr. Masterman!"

Barristers have certain privileges. If a pleader is engaged along with a barrister, then, however senior and distinguished the former, and however junior and undistinguished the latter, it is the barrister who leads. This right of pre-audience is an unfortunate feature of a code of etiquette which otherwise works well.

It is from the ranks of barristers only that the Chief Justice of every chartered High Court (Allahabad, Bombay, Calcutta and Madras *) must be selected, this rule, however, not applying to the high courts in various provinces which are known as Chief Courts and by other names. In England it is he alone that can be a Recorder, when his duties may sometimes consist in sitting at a table dressed in gown and wig, and looking dignified and solemn!

In civic ceremonials in England the barrister is always to the fore (have you not seen him in the Illustrations?) somewhere near the man who carries the mace. In India he holds the offices of Administrator-General and Official Trustee. In chartered High Courts he is also the Clerk of the Crown, who attends at criminal sessions and keeps in countenance the judge in his scarlet robe, what time the trumpeter sounds a fanfare announcing that justice sits enthroned.

Let us now turn to the solicitor. To a part of his duties I have already referred. He also carries on the business of conveyancing, that is, the drafting of deeds

* To which must now be added Lahore and Patna.

and other documents, sales, mortgages, wills, and so on.

In England he often holds a highly confidential position as the keeper of the title-deeds and securities of his client, and he is sometimes entrusted with money to invest on the latter's behalf.

In novels written during the period known as mid-Victorian we are rarely brought into contact with a county family or the aristocracy without the family solicitor being brought on the scene. You know him, of course. Bald head, bow-window in front, red silk handkerchief, watch-chain and seals—the incarnation of British middle-class respectability!

The pleader is entirely a creation of the British occupation of India, and has had a chequered career. To get his degree of pleader he must now be a double graduate (a Bachelor of Arts and of Laws) of a University, in addition to which he must pass an examination in local laws. He performs the same functions as a barrister, but wears no halo.

During the many years since I first came to know him a wonderful change has come over the pleader. It has resembled in some ways the transmutation of a butterfly from a lower stage of its existence. At first he wore a *dhoti* (garment draping the lower half of the body) and a cotton jacket buttoned at the throat, together with a turban of varying size and gorgeous hues, and he padded about on his naked feet.

Then he took to wearing an English shirt above the *dhoti*, but as the former garment was not tucked in, he may be said at this period of his career to have lived his official life literally with his "shirt out"! Still later he wore an English coat and neck-collar, but no tie, the *dhoti* being retained.

Then, some years after, he adorned himself with a tie, and trousers encased his nether limbs. At the same

time, in some cases, he let his hair grow, and donned a "Curzon" *topee*. To-day, occasionally, he is tailored by Asquith and Lord!

Mentally, also, a mighty change has come over the pleader. He reads English newspapers and novels (not Reynold's, though these were the object of his early affections), he plays cricket and tennis, and even rides.

The Indian barrister is of course still further advanced. He is almost wholly anglicized in his habits and manners, complains, if foppish, of the "infernal heat," and feelingly deplores the loss of the "bittah beeah" he was wont to quaff when at the 'varsity. But, to be just to him, he is very often an extremely good fellow, and he compares favourably with English barristers of his own standing.

AT THE LAW COURTS

AT THE LAW COURTS



COME with me on a visit to the Law Courts. We will go first to the court-houses where the District Magistrate and the District Judge, and their assistants, try cases, criminal and civil. It is in these courts, and in Sessions Courts, that witnesses are examined, but not often in the High Courts (abodes of the exalted !) which are mainly Courts of Appeal.

The court-houses lie in spacious grounds, which swarm with a mob of litigants, witnesses, policemen, touts, pleaders' clerks, and those who minister to the refreshment and comfort of these classes. Here with his tray sits a man selling *bidis*, there a *panwala*, here the vendor of *jalabis* and *barfis*, and there a barber shampooing a customer whose head he has just shaved.

In the last case it is interesting to watch the man being operated on. His body sways in the embrace of the barber, and willingly yields itself to the poses into which it is thrown by the operator, while his close-shut eyes are expressive of internal thrills accompanying a state of ecstatic enjoyment.

All on a sudden the air is rent with a raucous shouting,—“ Moti Lali, hazir hai ? ” (Is the glittering pearl here ?) ; “ Chand Bibi, hazir hai ? ” (Is the moon-lady here ?). The crier throws his whole soul into yelling the word “ hai.” It begins in a blood-curdling key, and slowly loses itself in tremulous vibrations. No, that isn't a man being killed. It's only one of the court *chaprasis* * calling the names of the parties to a case.

Let us enter the verandah and peep into one of the court-rooms. Sitting in front of a writing-table is the

* Peons attached to the Courts.

Indian judge. On the table, by his side, is his turban. His glossy scalp-lock, released from its bondage, waggles from one side to the other as he turns sharply to his right front to address a pleader, or to the left to rebuke the witness whom the pleader is examining.

At first you are able to see little of the pleader and the witness owing to the dense crowd between you and them. At intervals, however, you glimpse these two principal actors in the scene. You get to understand that the pleader wants an answer to his question—"Yes" or "No."

He beseeches of the witness, in a voice raised high and cracked with emotion, to give him what he would have. But this the witness has no intention of doing. He rambles off into a story, or feigns inability to understand, or sulks. The pleader grows more and more agitated. He bawls and bangs the bar table. Then the pleader on the other side interposes, the witness begins to talk back at the examining pleader, the judge takes a hand in the game, and pandemonium ensues.

Had enough of it? Well, let us go on to the Chief Court. No, you'll hear no more shouting. Shouting is a hanging matter there!

Here we are in the porch! We alight and pass through a maze of corridors. On one side of us is a succession of low arches which give the passages a cloistral appearance. We brush past numbers of people standing or squatting, court *chaprasis* and Marwari, Mahratta, Mahomedan, and Gond litigants. Look at those women in long, black veils. They are not of the country. Arabs, probably.

In the centre of the building we strike an open court with a fountain and large palms in pots. To the right is the bar-room. Let us stand at the door for a minute and look on. The room is occupied by twenty

or thirty men, nearly all dressed in the English fashion, for the majority of them are barristers.

Most of them are sitting about a table of great length and breadth covered with green baize. On the table, in promiscuous heaps, lie stacks of books in official-looking bindings. The walls on either side are adorned with stands and racks studded with hats and supporting hanging gowns. The air vibrates with the steady hum of conversation.

At the opposite end of the room we see a dozen easy chairs all in a row. They are occupied by men who lie at full length in them, their legs resting on the arms, which incline upwards.

Looking towards them we see little more than the soles of twelve pairs of boots which point in our direction, the faces of their wearers being hidden behind newspapers held open. Who are they? Seniors. Men getting on in years, some of whom will be on their legs for many hours together to-day, so they cannot afford to dissipate their energies.

Come along to where the seniors sit. I must introduce you to Mr. Smith. Mr. Smith rises, throws aside his newspaper, and smilingly engages in chat. He wears spectacles and has dreamy-looking blue eyes. His besetting weakness is absent-mindedness, the cause of frequent trouble to him. I tell him that I have brought a friend to hear him speak in court, and he is immensely amused at the idea of anybody expecting to derive entertainment from this performance.

As we chat, a *chaprasi* in red and gold approaches and salaams. He says to Mr. Smith,—“See-mo Sahib ne salaam dea hai.”

Come along, Mr. Smith's case is called before Mr. Justice Seymour. We go down another lot of corridors and enter the court-room. Mr. Smith takes a chair at one end of the bar. A mass of law reports and

text-books lie on the stand before him. They belong to Mr. Smith, whose clerk had them placed there before the arrival of the judge.

At the other end of the bar sits an Indian barrister with an ascetic but capable-looking face. He is Mr. Smith's opponent, and he also sits facing a battery of law books. We ourselves find seats in one of the several rows of chairs behind those reserved for counsel conducting cases.

We look first at the judge. He is sitting by himself to-day. Sometimes he will sit with another judge, and sometimes with two other judges, which constitutes a Full Bench. What is he doing? Mending a lead pencil with a patent sharpener. He sticks the point of the pencil into the cavity of the instrument, which he revolves furiously with his right hand. Now he removes the pencil, and peers curiously into the mouth of the sharpener, after which he blows violently into it, puffing out his cheeks into an imitation of Boreas.

This interlude gives us time to look about us. The judge is sitting in front of a large, oblong table in a chair with a high, carved back. On the wall behind him is an oleograph of His Majesty the King embedded in a large design of the Lion and the Unicorn.

On the judge's table, and in a revolving book-case by his side, are many books looking as if they contained legal matter, while in shelves ranged against the walls are innumerable other volumes of the same description.

The dais on which the judge sits is raised high above the floor of the room, and a screen of green cloth, supported on shining brass rods, runs along the side of it which fronts the public and the bar.

At a small table on one side of the judge, but below the dais, sits the judge's Reader, busily employed in

filling in fly-sheets, while at the doors of the room, in official livery, stand *chaprasis* in attitudes of respectful devotion.

On Mr. Smith's side of the room, on a large, carved bench, sits an obese Marwari* with his two *monims*.†

The marwari is dressed in a yellow silk coat. He has gold rings in his ears and wears an emerald green turban. He is Mr. Smith's client.

Behind the Indian barrister stand his clients, a pair of sturdy *Kunbis*,‡ who have borrowed money on mortgage to provide for family weddings and are now outraged by the demand for repayment.

All of a sudden the judge sits bolt upright in his chair, and says—"Yes—Mr. Smith."

Mr. Smith rises with great deliberation. He draws a chair out of the line towards him, and on the seat of this he plants the foot of his right leg. Standing now on one leg, his body inclined forward, his attitude is that of a man climbing steep stairs. Now he lifts up his voice.

Mr. Smith: May it please your Lordship—this is a suit on a simple mortgage.

Judge: Eh?

Mr. Smith (slowly and with emphasis): This is a suit on a simple mortgage.

Judge: Well?

Mr. Smith: The mortgage is dated the 4th June, 1886.

Here a pause ensues while the judge is noting that the mortgage to which Mr. Smith's appeal relates is dated the fourth of June, eighteen hundred and eighty-six.

* One of the money-lending classes.

† Agents.

‡ Indian Cultivators.

Mr. Smith (resuming): Several issues were raised at the trial, but we are concerned with only one point.

Judge: Eh?

Mr. Smith: We are concerned with only one point.

Judge: Well?

At this stage Mr. Smith consults the brief in his hands. As he gazes into it his countenance assumes a sudden look of anguish. Turning sharply he beckons to his clerk, who hastens to him, is given a whispered direction, passes quickly out of the room, and sprints down the corridor.

Mr. Smith: I really am very sorry. I find that I have left my brief in this case in Mr. Justice Campbell's court. My clerk has gone to fetch it.

The judge throws himself back in his chair with the air of one resigned to the blows of fate, and Mr. Smith's opponent at the bar covertly smiles. An oppressive silence fills the room, which Mr. Smith endeavours to mitigate.

Mr. Smith (ingratiatingly): I have just been reading the telegrams. It turns out that the Bolsheviks—

Judge (unappeased): Yes, I *know*. I saw that last night.

At this moment Mr. Smith's clerk re-enters the room with the missing brief, and the argument again gets under way.

It is a terribly uninteresting case to an outsider. It appears that the claim of Mr. Smith's client, the reality of which is not denied, was dismissed on a point of limitation, and it is Mr. Smith's task to show that the law was wrongly applied in the lower courts.

He speaks for an hour with frequent pauses, during which the judge is engaged in taking a note of the argument, and he reads much from law reports. Once or twice counsel on the other side interrupts, and the two learned friends wrangle together, and once the

judge remarks that a ruling which Mr. Smith is "distinguishing" is dead against him.

But Mr. Smith holds his ground. He is patient, and very respectful to the judge, but he is also very firm. He "submits", and he likewise "contends", that the ruling is distinguishable on a variety of grounds, which he is proceeding to enumerate.

But, at this point, as you are probably "fed-up" with your day in the courts, we will make a move homeward.

THE LAW

THE LAW



NOW I wish to tell you of something which is of vital concern to you, and me, and to every other person living under the laws of the land. You will, I hope, be interested in what I have to say. In any case I feel sure you will be surprised—considerably surprised.

I daresay you imagine that, when a lawyer wants to read the law on any subject, he reaches down a volume containing a copy of the Act with which he is concerned, and turns to what is called a section in it, and that the section at once tells him what he wants to know.

In most departments of the public service you are always able to get definite and positive information in some such way, and, if you are interested in one of the sciences or arts, you are certain of getting information which won't mislead you if you go to the proper quarter for it.

But, as regards your belief about the lawyer, it is wholly erroneous, and I beg of you to put it out of your head once and for all. The fact is that judges and lawyers are not much given to the practice of reading sections. They know that the law is to be found, when it is to be found anywhere, not in them, but in the Law Reports, where the sections are interpreted in judicial decisions, or, as they are called in court, rulings.

If the judges responsible for these interpretations were all of the same mind what a blessed state of things that would be! In that case an industrious lawyer, after he had been in practice for twenty years or so, would get to know quite a fair lot of law.

I don't say he would get to know the whole of it, mind you, because no human mind could take in and digest the law on all subjects. There are not far short of a thousand Acts of the Legislature in force in India at the present moment, some of them being bulky Codes, and then there is a branch of jurisprudence known as the common law, that is, law not thrown into the form of Acts! But, as I have said, the lawyer in the circumstances imagined would get to know a fair lot of law, and he might then be trusted to correctly answer legal questions perhaps as often as three times out of four!

Unhappily, however, the High Courts are not unanimous in their interpretation of the laws. Calcutta takes one view of the meaning of a section, Bombay takes the opposite view, Madras agrees with Calcutta though "with some hesitation," and Allahabad differs from all the others!

Don't suppose that this conflict of views exists only as regards difficult points which rarely arise in practice. The solemn truth is that the High Courts to-day are not in agreement about the law bearing on some of the most ordinary matters, matters which touch you and me in some of the concerns of our daily life!

You will perhaps better understand what I mean if you will permit me to take you into the study of an experienced barrister who practises in a High Court. It is the morning time, and he is about to prepare his argument in a civil appeal case.

The barrister is a very able man, second to none at the Bar. He is also extremely learned, so learned indeed that it has been whispered that he has read more law than even the Chief Justice! He is a paragon of lawyers, you see!

Now observe him. Don't be alarmed. He won't notice us. He is too absorbed in thought. He probably

wouldn't know it if you put a live coal on his head! Many of his learned friends in neighbouring bungalows are in the same trance-like state this morning. They get so fogged and bemused through studying conflicting rulings that they, some of them at least, are not able at such times to tell their own children from others!

See, the barrister takes up and opens a brief, and, after reading through the judgments of the lower courts, he makes a short note of the facts of the case. He is but little concerned with the facts. The great majority of appeals in High Courts are what are known as second appeals, which lie only on grounds of law, and it is with such a case that he is dealing.

Next he reads the memorandum of appeal, and a look of relief flits across his face. Thank goodness, the appeal raises only one question, it might have raised a dozen!

He now takes up a copy of the Act which contains the section applying to the case. This he reads once only, and then pushes the book aside. Evidently he has little confidence in what you in your innocence believed would tell anybody what the law was!

He rises, goes to a book-case, and picks out of it one of the many volumes of the Digest. This is a corpulent-looking book, and he carries it in both hands to his writing-table. It is an encyclopædia of the rulings of the High Courts, arranged under appropriate headings, by the word rulings being here meant not the judgments *in extenso*, but a mere brief abstract of their contents.

The barrister opens the volume, gets to the right place in it, and runs his forefinger and eye down its columns. He turns over page after page, anxiously scanning each case in every column. What is he in search of? He wants to find a ruling, in his own

favour if possible, with its facts similar to those of the case in hand.

Eureka, he has it! He lingers fondly over his find. It is the case of *Ganpat vs. Rama*, and the Digest tells him that the full report of the case begins at page, let us say, 150 of the first volume of the Calcutta Reports. Officially the case would be known as *Ganpat vs. Rama, I.L.R., 1 Cal., 150*.

Now the barrister discards the Digest, goes to another book-case, and brings back with him the Index. This Index is a book got up like a dictionary. The names of the parties to many past appeals in the High Courts are alphabetically displayed in it, and it shows the subsequent history of each of these cases, that is, how the decision ran the gauntlet when cited in argument in later cases before other judges. The barrister turns to the letter G—Ga—Gan. Here we are—*Ganpat vs. Rama, I.L.R., 1 Cal., 150*.

Looking down the column, he finds that this decision has been followed by three other Division Benches in the Calcutta High Court. (Good !)

His eye travels down the page. It appears that in two cases, decided by the Bombay High Court, *Ganpat vs. Rama* was “distinguished.” This means that the Judges at Bombay said—“It is a matter of complete indifference to us whether this case was rightly or wrongly decided in Calcutta, because we are clear that is is unlike the case before us.”

In two other Bombay cases it turns out that *Ganpat vs. Rama* was “considered.” “Considered !” It seems a harmless sort of a word with a fairly definite meaning. But the barrister knows that according to the vocabulary of the law reporter the word might mean almost anything. Usually it would have to be taken to mean, as also now happens to be the case in its application to *Ganpat vs. Rama*, that the judges in the

later case didn't actually say that the case "considered" by them was wrongly decided, but that they said as *much!* (Um!)

The barrister runs his eye further down the column, and discovers that the Madras High Court, in two cases, has unqualifiedly dissented from the ruling in *Ganpat vs. Rama*. (O my prophetic soul!)

But he has no time for idle regrets. He has his argument to prepare, and this is how he does it. He takes down from their shelves all the volumes of the Law Reports (there are some hundreds there, English and Indian) with which he is concerned.

Then he carefully peruses each of the Calcutta rulings in his favour, marking in them all the telling passages which he means, later on, to read to the court as a part of his own address.

After this he reads and makes a note of the Bombay and Madras rulings in which *Ganpat vs. Rama* was "considered" or dissented from.

Then he thinks very hard for a time. Being an old hand, he often finds that he can draw from his stores of experience reasons with which to buttress the Calcutta rulings and to disparage the opposite view. He makes a note of these matters. They will have to be worked into the final note of argument which he will presently prepare and carry with him into court.

Now, the conclusion you may draw from what I have said is that *nobody* can be said to know what the law is on a great many subjects, and that when a person goes into court with a case turning on a point of law, the result must often be quite uncertain. Well, that exactly is the situation!

But now, you may ask, why should this be so? The answer is that no High Court or Chief Court in India is bound by a decision of another of these courts. Even a Division Bench of a High Court is not obliged

to follow an earlier ruling of another Division Bench of the same court! You really can't expect a judge to follow a ruling from which he differs. To do that would be to violate his conscience.

But then, you perhaps ask, why do judges of High Courts, men of the highest ability and learning, so often go wrong (because conflicting decisions cannot all be right) in interpreting the law? Well, you must remember that the men who draft our Acts have a task of extraordinary difficulty before them. In a single section of half a dozen or ten lines they must lay down a rule which will be applied to scores of different sorts of cases. No two cases ever are exactly alike in their facts, and it is impossible for the draftsman to anticipate all the varied tangles which may have to be unravelled with the help of such light as the section will afford. No mind is equal to such a feat.

Then, another thing,—the draftsman must not use a single unnecessary word. That would be to allow of the proverbial coach-and-six being at once driven through the section. Its wording, therefore, must be compendious, yet at the same time concise, in a way passing your powers of imagination!

Thus, you see, it is not always the fault of the draftsman that judges differ. Nor, of course, are the judges to blame for not always being able to see eye to eye. The unhappy results which flow from the causes we have considered are, in most cases, bound up with the limitations of the human mind.

But what of the Legislature? It could at once put an end to a difference of opinion by merely amending the wording of the section so as to show what it was really intended to mean. The Legislature, however, does not often do this. A conflict may go on for years and years until a similar point is taken up on appeal to the Judicial Committee of His Majesty's Privy

Council in London, which is a court whose decisions all courts in India are bound to follow. Then harmony ensues as regards that particular point, but, while the Privy Council is in the very act of dealing with it, it is possible that yet another conflict may break out over some other matter !

Ought not a chorus of voices to be raised in this country respectfully demanding that this state of things be bettered in the only way in which this can be done, which is by the early amendment in Council of every section found to be so worded as to have occasioned a difference of opinion ? It is for you, among others, to give the answer.

MAINLY ABOUT RAMASWAMY

MAINLY ABOUT RAMASWAMY



HAVE told you that the law on a great many subjects is not to be found in a section. It is true that there very often is a section about it, but this may be worded in the baldest and most general terms, and it will never deal with particular cases.

Let us take an example drawn from the life of the home. We will suppose that your "boy" Ramaswamy thinks he sees a chance of getting better-paid employment elsewhere, and that he suddenly informs you that he means to quit your service forthwith. Has he a right to do this? Must not he give you previous notice? If so, what sort of a notice does the law regard as sufficient? And, finally, how are you to get even with him if he carries out his intention and goes at once?

Now here, you see, are several questions requiring separate answers. Let us turn to the sections which deal with the subject. We shall find them in the Contract Act, because, of course, Ramaswamy became your servant as the result of a contract between you and him.

Wait a bit now. It will take a little time to disentangle from the mazes of the Act the particular sections which relate to the case.

Ah! Here is the first of them—section 37. This is what it says,—“The parties to a contract must either perform or offer to perform their respective promises”

Eh? Yes, I see. You want to know exactly how this section bears on the case, that is, what are the “promises” which it supposes you and Ramaswamy to

MAINLY ABOUT RAMASWAMY

have made to one another. My good sir, I haven't the least notion, except that I feel sure the Legislature was not thinking only of lovers' vows when it enacted this rule. I would, however, draw your attention to the fact that the section is worded in beautifully simple and intelligible terms. Even Ramaswamy, who reads English, would admit as much as that.

Here is another section—39—which is relevant to the case. It says,—“When a party to a contract has refused to perform . . . his promise in its entirety, the promisee” (that's the other party) “may put an end to the contract.” This section, you will observe, is just as simply and intelligibly worded as the other.

The third and only other section in the Act which has any application to the case is 54. It lays down, in the same abstract way as the sections we have already read, this illuminating rule, namely, that, if one person promises to do anything after another person has first done something else, the former need not perform his promise until the latter has done what he agreed to do. (The section is too lengthy to quote verbatim, and its signification is not apparent at a glance, so I will ask you to take it from me that it means what I have said it means.)

Now the substance of the three sections taken together is this—When any two persons enter into a contract each must perform his promise (section 37), in the order in which it was agreed to be performed (section 54), and, if one backs out of the contract, the other may put an end to it (section 39).

What did you say? You knew all that before? Why, of course you did! These are conditions which everybody would imply to be a part of every contract which one man makes with another. Even children at school who make mutual promises intend to be bound

by the same rules which the Legislature has thought it necessary to put into sections meant to govern contracts between adults.

But, now, how are we to draw from these sections the answer to each of the questions arising out of Ramaswamy's inconsiderate behaviour? Is there nothing else in the Contract Act about it? *Nothing*, I assure you! The Legislature expects you to exercise your mind, and to apply the law as here set out to the facts, when, of course, the answers to the questions ought to make their appearance as certainly as sausages issue from one end of a machine when pig is put in at the other end of it!

Now, please. Before you read any further I want you to think. Imagine that you are a lawyer wrestling with some knotty point of mortgage law or tenancy law, when a mem-sahib arrives to consult you about the conduct of her "boy" Kupuswamy, who is carrying on in the same villainous way as your Ramaswamy. She wants answers to the very questions about which you and I have been employed.

Do, please, read the questions once more, and also the sections which are to supply you with specific answers to them. The manner of the mem-sahib is touchingly confiding. She is sure, of course, that you can give her the answers out of your head without so much as looking at a book! *You are beginning to know better now!* You are getting to think that it can't be possible for a lawyer to answer any sort of a question out of his head, and that, even when he has the sections before him, he must be an uncommonly knowing fellow to be able to make anything of them!

Now, of course, I agree with you that there are many different ways of looking at the questions, but, remember, you must give the mem-sahib only one answer to each, and that the right one! Come on, now! You

mustn't keep her waiting. See, she is smiling at you, but her countenance as yet betrays no sign of any loss of confidence in your powers!

What? Really! The sections say nothing directly to the point? I agree with you. They do not! And now let me tell you that the conditions under which a lawyer has to do most of his work are such that, even when a section does seem to give him the answer to a question, he dare not assume that it is the right answer. He must still read all the cases in the Law Reports, if there are any, relating to the section. Why? Because another lawyer will often be able to show from these rulings that the section, "rightly construed" of course, gives an altogether different answer!

But, now, let us try to discover, if we can, what the courts would say in the matter of the little difference between you and Ramaswamy. I suggest that we follow the example of the barrister whom you have already seen at work in his study. Here are the Digests. This volume, I think, will give us the information we want. Here! And here! You see, it has been decided by the High Courts at Allahabad, Bombay, and Calcutta, and also by the Chief Court of the Punjab, that if a monthly servant leaves without lawful excuse during the currency of a month of the service, even if it be on the thirtieth day of a month containing thirty-one days, he forfeits the whole of his wages for that month! Useful knowledge? Rather! But what should we have done without those rulings, which, however, you must remember, are no part of the law!

Now reach down that volume of the Law Reports, and we'll read one of the judgments together. What does the High Court say are the "promises" which Ramaswamy made to you? Why, one was a promise to serve you for a *whole* month before he made any claim to the payment of wages. Therefore, if he wilfully

refuses to serve for a single day of the term, he commits a breach of the contract, and cannot call on you to perform your promise, while you are at liberty to put an end to the contract. This is where the sections come in !

Yes, I know Ramaswamy didn't actually make any such promise to you, but the judges say it ought to be "presumed" that he did! The contract, they go on to point out, is "indivisible," that is, neither party has a right to split it up and turn it into a contract for any shorter period.

But how singularly unanimous the High Courts are in this matter. There's no dissenting judgment—not the ghost of a chance for Ramaswamy! Hallo, what's this? Why, I declare, here's a judgment of the Madras High Court which I didn't notice. It's not on all-fours, but still it does strike a discordant note. This, according to the headnote, is what they have held in Madras,—"In cases between master and servant, the courts should not be too strict in treating contracts of service for a certain period and for certain wages as indivisible, unless the nature of the service raises a strong presumption that the servant was intended not to be entitled to claim wages for broken periods." What does it mean? It seems to mean that, for people living in the Madras Presidency, the law on this subject is not yet "settled !"

Here's another case in point—a ruling of the Allahabad High Court. The headnote runs,—“An office clerk, like menial servants, is bound to give one month's notice before leaving the service of his employer.” It is again “presumed,” you see, that, when you engaged Ramaswamy, he and you exchanged vows that neither would bring about a parting, against the will of the other, without a month's previous notice to soften the blow.

Here are some more interesting rulings. A servant is "presumed" to have promised to obey all lawful orders, and also not to misconduct himself. So, if he refuses to obey such an order, or is gratuitously insolent, or gets drunk while on duty, he commits a breach of his promise, and you may not only discharge him at once, but you needn't pay him any part of his wages—no, not so much as a "cash"—for that month. Is that the law? I didn't say it was. There *isn't* any law in the sense you mean! It's only what the High Courts at Calcutta and Allahabad say the "law" is! But you must remember that the courts in other provinces than Bengal and the U. P., although they will "respectfully consider" these rulings, are by no means bound to follow them, though I myself think they would, because this seems to be good "law."

Of course you are aware that as soon as the master dies the contract of service is at an end, and that after that none of his servants is under an obligation to do another hand's turn for any member of his family. They may, if they please, at once leave the premises in a body, and they would be entitled to claim their wages down to that day.

What ! You didn't know this, and you don't think it fair ! But, my good sir, consider. A contract of service is one personal to the parties to it, and therefore it must terminate the moment either of them dies. When you engaged Ramaswamy it was you alone who entered into a contract with him. Yes, I daresay it was your wife who engaged him, but she only did it as your agent. Now, if your family were to be regarded as being also parties to the contract, think what the consequences might be. Suppose that, being offended with Ramaswamy you refused to pay him his wages, and he went to court for them, he could join your family as defendants to the suit. Then, if his claim was

decreed, he could apply for the issue of a warrant against any of them, say your wife or perhaps even your mother-in-law, but, of course, not the baby, because too young to contract ! I think that you'll agree that this would be an absurd state of things.

You see, ordinarily, no person can claim the benefits of a contract who is not also personally exposed to the liabilities to which it might give rise. In this, as in other matters, the law is even-handed.

**WHAT WE KNOW AND
WHAT WE DON'T KNOW**

WHAT WE KNOW AND WHAT WE DON'T KNOW

INFINITY.

"Thou canst not prove the Nameless, O my son,
Nor canst thou prove the world thou movest in.
Thou canst not prove that thou art body alone,
Nor canst thou prove that thou art spirit alone,
Nor canst thou prove that thou art both in one;
Thou canst not prove that thou art immortal, no,
Nor yet that thou art mortal

For nothing worthy proving can be proven,
Nor yet disproven"

—Tennyson's *Ancient Sage*.

"Our Life is surrounded with mystery; our very world is a speck in boundless space. We cannot imagine any origin, nor foresee the conclusion."

—Sir John Lubbock (Lord Avebury).



OUR faculties are so contracted in their scope that all ultimate questions bring us up against a contradiction.

Did time have a beginning? We are apt to think it did, yet, however far back we place its origin, the thought will arise—What was there before? And the answer must be—More time. The idea of there being an end to time is of course as inconceivable by us as of there having been a beginning.

Is space endless? We cannot imagine it to be so. yet, wherever in thought we fix a limit to it, we are obliged to ask ourselves—What is on the other side of this boundary? And the answer must be—More space.

We know space to be occupied by a vast amount of matter, but can we be sure that matter exists only in some limited quantity?

With the unassisted eye we see about three thousand distant suns which we call stars. But with each advance in telescropy we see more, and yet more, stars. At the present time their number is known to exceed one hundred millions.

If, arguing from the analogy of the solar system, we assign eight planets to each of these outer suns, then the total number of solid and semi-solid bodies in space, excluding moons, is not less than nine hundred millions. Yet, if space be boundless, the area in it occupied by this bewildering multitude of stupendous suns and their planets is no more than a pin's point !

We have no reason to think the remainder of space to be unoccupied but some reason for believing the contrary. It follows, therefore, that the galaxy of visible suns may be only one of an endless number of such systems set at wholly unimaginable distances from one another in the void of space !

Our earth swarms with life, each blade of grass and drop of water being a world to thousands of animalcules. Therefore, again arguing from analogy, it may be fairly presumed that divers forms of creatures exist in many if not all of the millions of planets which circle about the suns we can see

If, however, there be an infinite number of stellar systems, the number of living things throughout all space may also be literally incalculable. Consequently, in spite of the inconceivability of such ideas by us, not only may there be worlds without end, but also life without end—conscious, purposive existence in eternally countless multitudes of animated forms !

Whence came the earliest living things on the earth's surface ? In the work entitled *Evolution*,* in

* *Evolution*, by E. S. Goodrich, M.A., F.R.S., Fellow of Merton College, Oxford.

the publications known as the People's Books, it is said —“ We seem fully justified in believing that the transition from the non-living to the living has indeed occurred, and even in hoping that, some day, the very origin of life will be explained.” The same thing is said by Doctor Moore and by Doctor Gregory in the volumes entitled *The Origin of Life** and *The Making of the Earth*,† respectively, in the series known as the Home University Library.

Doctor Moore is further of opinion that ultra-microscopic forms of life, so minute that the human eye may possibly never see them, are still originating in the oceans—

“The brink of life lies, not in the production of protozoa and bacteria, which are highly developed inhabitants of our world, but away down amongst the colloids; and the beginning of life was not a fortuitous event occurring millions of years ago and never again repeated, but one which, in its primordial stages, keeps on repeating itself all the time and in our generation. So that, if all intelligent creatures were by some holocaust destroyed, up out of the depths, in process of millions of years, intelligent beings would once more emerge.”

Doctor Gregory holds a different view. He thinks that the earliest forms of life came into being, ages ago, as specks of “carbonaceous jelly,” when the conditions were more favourable to such development. His belief is that life germinated when the land was still warm and moist and there was a much higher proportion of carbonic acid in the atmosphere than now—

* *The Origin of Life*, by Benjamin Moore, M.A., D.Sc., F.R.S., Professor of Bio-Chemistry, University of Liverpool.

† *The Making of the Earth*, by J. W. Gregory, D.Sc., F.R.S., Professor of Geology at the University of Glasgow.

"While the earth was in this stage of its development its atmosphere was probably rich in complex unstable compounds which cannot exist under modern conditions. These materials would have been also held plentifully in solution in the waters of the pools, and would have saturated the mud along the seashore. The water-logged mud along the seashore would have proved a specially suitable medium for the growth of the first forms of life; for the conditions upon it would have been unusually constant in temperature and moisture, and its soft surface would have formed an excellent support for the primordial jelly. . . . Hence under the special geographical conditions of the early earth purely chemical processes may have produced masses of carbonaceous material with a chemical composition now found only in organic products, and with the properties of subdivision and movement due to mechanical and physical forces. This material may be regarded as the immediate ancestor of the first living being, which would have had a very much simpler structure than the cells which are sometimes represented as the most primitive forms of life."

THE ROCKS.

The three books from which extracts have been made, all, be it noted, by Fellows of the Royal Society, are not of an exceptional kind. They are quoted here only because they were specially written for two cheap popular series, intended for use in the home, and for the instruction of young and old alike. They are just a few of the many works produced by scientific experts during the past fifty years, in which the view is maintained that life has evolved, spontaneously as

we call it to mask our ignorance of the process, from apparently non-living matter.

We should not suppose such views to be irreligious, for many evolutionists (Sir Oliver Lodge may be cited in this connection) are or have been deeply religious men. The late Right Reverend Frederick Temple, Archbishop of Canterbury, who was one of the earlier of modern evolutionists, declared that this doctrine opened up grander views of the creation than were held by our forefathers.* It merely substitutes a theory of origins by secondary causes for a belief, formed in the infancy of the human mind, which we now know to be out of harmony with ascertained facts.

Let us look at the matter in this way. Suppose some clods of earth suddenly joined themselves together into a mass, and turned into a man who rose up and spoke to us, we should never cease to regard the phenomenon as a staggering miracle, unaccountable save as the result of the exercise of supernatural power. But does it make a difference, is it any the less a miracle, if we believe that a speck of matter, having first become animated, passed in the course of ages through different phases of existence, and finally evolved into a man?

A very long time back, supposed to be about a thousand millions of years ago, our earth was a gaseous nebula. During a vast stretch of time it gradually contracted and cooled, turning first into the semi-liquid condition in which the sun now is, before a rocky crust formed on its surface.

This outer mass of igneous rock no longer exists. Rain fell then as now, and, assisted by other agencies, the original rocky crust of the earth was dissolved by it, particle by particle, and carried into the oceans by rivers. Not by the rivers we now see. Probably none

* In his Bampton Lectures, 1884.

of these are more than two hundred thousand years old. The fact is that there has been a succession of rivers, from the earliest times, aiding in the work of wearing down the surface of the earth, and depositing its debris on the beds of the oceans.

It is true that some of our existing rocks, for example the beautiful granites of many colours which we use for tombstones, and a common dark-bluish variety of which is used in metalling roads, are also of igneous origin. But this sort of rock was forced upwards, in a lava-like state, from the interior of the earth in later ages.

Among other forms of rocks some have a strange history. Who would have imagined that marble in all its varieties, and chalk, consist of the remains in the form of shells of marine animals which existed while the earth was yet young, and that the slates are only compressed and transformed clay !

But, as already indicated, most of our rocks are of sedimentary origin, that is to say they consist of grains of sand, the detritus of the earlier igneous rock, which was carried into the oceans by streams, and there consolidated in beds under the pressure of the superincumbent waters.

In later times, under altered conditions, the streams carried in their flood the remains of animals and plants which lived in a far-distant past. These remains became converted into fossils, that is they petrified in the course of time along with the sand with which they were compacted, and may now be seen in our museums. This is why we find fossils only in solid rock (of the sedimentary varieties), and never in loose earth.

The work of building up the successive layers or strata of sedimentary rocks must have occupied an enormous space of time, because these rocks have a vertical depth of about one hundred and thirty

thousand feet, in other words of about twenty-five miles! They may have been laid down at the rate of an inch, perhaps somewhat more or less, in a century, but we have no means at present of knowing. It suffices that a great many millions of years have elapsed since dead animals and plants first began to be washed into ancient seas.*

Extending so far down into the earth as these rocks do, we should never have discovered the relics they contain of early forms of life were it not that convulsions inside the earth, in past times, have, here and there, thrust even the lowermost layers of the sedimentary rocks to the surface.

But how is it that we can examine the contents of these rocks at all if they were formed, most of them, under the ocean? Because there is also a movement of another kind going on in the interior of the earth which gradually uplifts the beds of the oceans above the surface, while lands which were formerly dry become ocean beds.

It is owing to this fact that much of Europe has several times been a sea-bed. We find in European countries a layer of rock containing the fossils of animals and plants which existed on land during an age of time, and then, over this, a layer of rock containing the fossils of marine animals and plants which lived during a succeeding age of time, and so on.

* A very faint idea of the span of time covered by a million of years may be formed in this way. Many of us can look back twenty years. If we imagine fifty such periods flowing consecutively, we get an idea of the time occupied by the lapse of a thousand years. To get a similar idea of a million years, we should count very slowly from one up to a thousand, at the same time trying to imagine a span of a thousand years as gradually unfolding itself, and passing away, *after every articulation!* Try it. It will be found to be an excellent exercise for the cultivation of humility of mind.

But, curiously, certain parts of the earth's surface have never been sea-beds. Thus, a small portion of North America, Norway and Sweden, a large part of Africa, and the whole of southern India have never been under the ocean. In this respect, these regions to-day are as they were at the dawn of the creation.

THE SUCCESSION OF LIFE.

The first animals to appear of which we have knowledge were low forms of shell-fish of various sorts. (The creatures which preceded these, being probably mostly sponge-like masses of matter, no remains of them could or have been preserved.) Vegetable life was then represented by sea-weeds similar to the tangles now covering large areas of the Atlantic. For long ages after, apparently, there was no life of any kind on the land.

Oddly enough, the earliest of the land animals to be found in the rocks is the scorpion. It must, of course, have been preceded by many intermediate forms, which however still await discovery. At this time, so far as we know, the only other living things on land were club-like mosses, while in the oceans were not only shell-fish of more advanced types, but also fishes with backbones, the first vertebrates. The latter were armoured, and were a primitive sort of sturgeons.

Long after appeared grass-hoppers and crickets, along with club-mosses and ferns which were really trees, as is proved by the concentric rings of growth in their trunks. In the seas, corals had become the predominant type, and there were enormous shell-fish which, after some millions of years, gave up the struggle for existence and vanished among the have-beens.

Next there ensued, for a space of time, the carboniferous period, characterised by dense forests, the trunks and leaves of whose trees, as they fell to the ground from age and other causes, were buried under sand and mud, and become converted under pressure into the rock known as coal, which is now so valuable a mineral. Most of these trees were club-mosses and ferns of a great size.

During the same period, snails, beetles, and cockroaches appeared, the last-named branching off into over eighty species.

But some highly-organised marine animals had by now left the oceans and come to live on the land, for we also find Amphibians of different kinds, animals which are capable of existing both on land and in water. This need cause us no surprise in view of the fact that, among existing fishes, a variety of the Perch comes on land walking on its fins, and even climbs trees! The latter it accomplishes with the aid of its ventral spines. It is perhaps not a thing easy to realise until one has seen a photograph of the fish, as we may in some works on natural history, in the act of performing the feat.

There followed the secondary epoch, in which appeared the Reptiles, some crawling on the earth, while others were flying lizards winged like bats, this being the earliest form of the wing known to us. These reptiles had evolved, by very gradual stages, from one or more forms of the amphibians.

In the oceans there now sported the great fish-like lizards, *Ichthyosaurus* and *Plesiosaurus*. The former is the creature with eyes as large as dinner plates, while the latter has a long, arched neck like the swan.

The reptiles gradually became predominant on the land, and throughout the Jurassic period they fairly swarmed. They were of many varieties, some

being fearsome monsters of a gigantic size. Tennyson has dashed off a vividly compact picture of the scene—

“Dragons of the prime,

That tare each other in their slime.”

An Ice Age supervened in which most of the reptiles perished. Two smaller varieties of them, however, probably under the stimulation of the changed climate, evolved in the course of time into Mammals (the highest order of animals) and Birds, respectively.

The earliest bird which has been found in the rocks is the *Archeopteryx*. Its photographs, from the South Kensington and Berlin Museums, show every feather of it almost as distinct as when it lived. The *Archeopteryx* *had teeth in its beak and three reptilian claws projected beyond the end of either wing!* It had passed almost completely from the reptile to the bird stage of existence. At the other extreme the *Pterodactyls* of various sizes, although they had acquired the power of flight, were still in all essentials reptiles. But many more transitional forms remain to be discovered, and only when a sufficient number of these has been found shall we gain a clearer idea of the steps by which the transformation from reptile to bird was gradually effected.

The connecting link between the Reptiles and the Mammals is probably the long-extinct *Theromorph*. The *Theromorph* was shaped like a dachshund, only more so! Having only lately started on his career towards mammal-hood, he was somewhat shorter in the legs and longer in the body. When it is also said that his snout was *retrousse*, it becomes almost unnecessary to add that beauty of form and easy grace of movement were not his strong points!

In the Tertiary epoch which ensued, and which marked the beginning of the present order of things,

most of our great mountain chains were upheaved, the Himalayas, the Alps, the Carpathians. That these ranges of mountains were once flat sea-beds we know from the fact that the remains of marine animals enter largely into their composition.

True birds and bats were now in the air; crocodiles and turtles swarmed in the shallows, snakes and serpents made their appearance, and also various quadrupeds, deer, rhinoceri and horses.*

The horse has an interesting history. Its ancestor, which bears the name of Eohippus, was an animal not much bigger than a fox, and had five toes. Very gradually the size of the animal increased, and its supernumerary toes sloughed away, leaving at last the single toe, covered with a hoof, as we now find it. We have, as fossils, all the main intermediate forms between Eohippus and Horse that were once 'missing links.' These discoveries we owe to the labours of the two American Professors, Marsh and Cope, who have set their mark on Paleontology.

The whale is another animal whose ancestry has to some extent been traced back. Beginning as a small fish, it passed through the stages of amphibian and reptile, and later developed into a four-legged mammal! At this time it was no longer than a bear, and frequented the shores of lagoons, feeding on fish. Then, owing to causes of which we are uncertain but which were probably connected with its food supply, it again took to the water, and developed flippers (not fins) and a rudder-like tail. But it is still a true mammal, breathing through lungs (it cannot stay for long under water), and *it brings forth its young alive and*

* The order in which animal and vegetable forms are shown as making their appearance is as given by Mr. Edward Clodd in his excellent book, *The Story of Creation*.

suckles them! It is a most playful and affectionate animal.

Among modern animals may be mentioned those extinct varieties of the elephant, the Mastodon and the Mammoth. The latter ranged the prehistoric forests of Britain. The mammoth lived till quite recent times. It had enormous curved tusks, and its body was covered with long, wooly hair. It is often found entire, buried in blocks of ice in Siberia. So completely has it been preserved under these conditions that dogs tear and devour its flesh, and it is possible on dissection to ascertain what it had for its last meal!

MAN.

In Doctor Munro's recent work, *Prehistoric Britain*,* it is said in the course of a hasty review of the course of evolution during the secondary epoch—

“... As these four-footed animals became greatly affected by the struggle for life, owing to the rapid multiplication of species and the ever-varying conditions of the environment, it followed that the limbs also became more or less modified, so as to make them suitable, not only for increased speed in altered circumstances, but useful to the animal economy in other ways. Hence they became adapted for diverse purposes, such as swimming, flying and climbing. The anterior limbs, owing to their proximity to the head, were more frequently selected for such transformations, as may be seen in the wings of bats and birds. But whatever modification the forelimbs may have undergone, no animal, but man, has ever succeeded in

* *Prehistoric Britain*, by Robert Munro, M.A., M.D., LL.D., F.R.S.E.

divesting them of their primary function of locomotion. This achievement was primarily due to the attainment of the erect attitude, which necessitated a re-arrangement of the functions of the limbs—the anterior being henceforth entirely restricted to manipulative and prehensile purposes, and the posterior to locomotion."

The conviction that Man has a common ancestry with other living beings, to which Doctor Munro here gives expression, is one now universally held by naturalists and biologists, no other explanation of our origin being considered by them as having even a faint degree of probability.

The immediate ancestor of Man is believed to have lived not more than a million of years ago. Fragments of the skull, and another portion of the skeleton, were found in Java in 1894 of an animal to which anatomists have given the name *Pithecanthropus erectus* (The erect Ape-man). The brain capacity of this creature was almost midway between that of a modern civilized man and of one of the higher apes. On the discovery of these relics by Doctor Dubois a sharp controversy arose. Of this Doctor Haddon, in his *History of Anthropology*,* writes:—

"A vast amount of literature has accumulated round the subject, representing the three antagonistic points of view. Some, like Virchow, Krause, Waldeyer, Ranke, Bumüller, Hamann, and Ten Kate, claim a simian origin for the remains; Turner, Cunningham, Keith, Lydekker, Rudolf Martin, and Topinard, believe them to be human; while Dubois, Manouvrier, Marsh, Haeckel, Nehring, Verneau, Schwalbe, Klaatsch, and Duckworth, ascribe them to an intermediate form. The last-mentioned sums up the evidence

* *History of Anthropology*, by A. C. Haddon, M.A., D.Sc., F.R.S., University Reader in Ethnology, Cambridge.

in these words : ' I believe that in *Pithecanthropus erectus* we possess the nearest likeness yet found of the human ancestor, at a stage immediately antecedent to the definitely human phase, and yet at the same time in advance of the simian stage.' The English, as Doctor Dubois somewhat slyly noted, claimed the remains as human; while the Germans declared them to be simian; he himself, as a Dutchman, assigned them to a mixture of both."

At the present day the weight of opinion appears to be in favour of the view that the relics are those of a being in a stage of transition, though some anthropologists are still not satisfied of this. Among them is Doctor Marett, who in a recent work * summarises the difficulty felt by those who think with him in the following terms:—"It must remain highly doubtful whether this is a proto-human being, or merely an ape of the type related to the gibbon. The intermediate character is shown especially in the head form. If an ape, *Pithecanthropus* had an enormous brain; if a man, he must have verged on what we should consider idiocy," which, however, to a mere outsider, seems dangerously like an admission that the remains are those of a being which belonged definitely to neither of those forms, but combined in itself "a mixture of both"!

The quotation from Doctor Marett must not be taken to imply that he and his school of anthropologists are inclined to doubt Man's animal descent. On the contrary, they are entirely convinced of it. The only point on which there now remains any difference of opinion among the experts is whether in *Pithecanthropus* we have Man's immediate progenitor or whether we have still to discover him. Assuming the

* *Anthropology*, by R. R. Marett, M.A., D.Sc., Reader in Social Anthropology in the University of Oxford.

latter to be the case, little doubt is entertained by them that we shall sooner or later come across him in some part of the world. In this connection it should be borne in mind that a systematic search for fossils has hitherto been almost wholly confined to small portions of Europe, a continent which many eminent anthropologists regard as most unlikely to have been the cradle of the human race.

Another remarkable discovery has been that of the Heidelberg man, whose remains were found at a depth of more than eighty feet below the surface of the soil. About him Doctor Marett writes:—

“All that we have of him is a well-preserved lower jaw with its teeth. . . . The jaw itself would suggest a gorilla, being both chinless and immensely powerful. The teeth, however, are human beyond question, and can be matched, or perhaps even in respect to certain marks of primitiveness outmatched, amongst modern skulls in Australia.”

Of the same find Doctor Haddon says:—

“The teeth are typically human; but the chinless jaw, with its thick body, very broad and short ascending portion, and other special points, surpasses in its combination of primitive characters all known recent and ancient human jaws.” He adds that it has been suggested by some that, as the jaw is “neither distinctly human nor anthropoid, it is a survival from that remote ancestor from which there branched off on the one side the genus *Homo*, and on the other the genera of anthropoid apes.”

Neanderthal man, who lived at a much later period and of whose skull we now have numerous specimens, is said by Doctor Marett to have had a “narrow head, with low and retreating forehead, and a thick projecting brow-ridge, yet with at least twice the brain capacity of any gorilla.”

Neanderthal man is associated with the Gibraltar man, whose head may be seen in the Museum of the Royal College of Surgeons in London. Of the latter Doctor Marett writes :—

“Any visitor will notice at the first glance that this is no man of to-day. There are the narrow head, low crown, and prominent brow-ridge as before, supplemented by the most extraordinary eye-holes that were ever seen, vast circles widely separated from each other. And other peculiar features will reveal themselves on a close inspection; for instance, the horse-shoe form in which, ape-fashion, the teeth are arranged, and the muzzle-like shape of the face.”

As regards the last-named feature, it is agreed that the Gibraltar man and the Neanderthal man were prognathic, that is, that the jaw in them protruded in a fashion similar to that of the ape.

“And what does this stand for,” asks Doctor Marett, “in terms of the antiquity of man? Thousands of years? We do not know exactly; but say rather hundreds of thousands of years.”

It is, in fact, a not unlikely supposition that the Neanderthal and Gibraltar men lived a half-million of years ago.

Of the history of Man in more recent times, say within the past two or three hundred thousand years, the Paleolithic and Neolithic men, a great deal is now known to us, some of our information being derived from the opening of graves and the discovery of spots under the surface where they burned their dead. Our museums are full of the chipped flint tools they used, the fishbone implements with which they fastened the skins in which they dressed, and various other accessories of their rude life. These matters are set out at length, with photographs and diagrams, in works which

of themselves are sufficiently numerous to stock a fairly large library.

And what will be the end ? Many millions of years will probably elapse before the sun grows too cold to maintain life on the earth. Meanwhile Man will be developing. His bodily form is almost certain to undergo further changes, but a still greater change is likely to take place in his mentality.

Then, if we consider how rapidly discoveries and inventions are being multiplied, we may imagine how grand a place the world will be to live in for the men and women of the future. Tennyson, the poet of Evolution, had visions of this time to come and of "all the wonders that would be"—

"Dawn, not day !

Is it shame so few should have climbed
From the dens in the level below,
Man with a heart and a soul,
No slave of a four-footed will ?
But if twenty millions of summers
Are stored in the sunlight still,
We are far from the noon of man,
There is time for the race to grow.

Red of the dawn !

Is it turning a fainter red ?
So be it, but when shall we lay
The ghost of the Brute that is walking
And haunting us yet, and be free ?
In a hundred, a thousand winters ?
Ah, what will our children be,
The men of a hundred thousand,
A million summers away !"

**Mr. MOCKERJEE ON
EVOLUTION**

Mr. MOOKERJEE ON EVOLUTION

MR. MOOKERJEE was tall and portly. He dressed in cotton pants and in a long tussore coat, which hung loosely around him and reached to the knees, adding to the impression he naturally conveyed of height and bulk. His spectacles contained rounded lenses of an enormous size, giving him a horrible facial resemblance to the Ichthyosaurus, a print of which adorned the frontispiece of the work on Natural History which he usually carried about with him. On his head there was perched a small black cap, ornamented with patterns in gold braid. He was a cheery, kindly soul, a relic of the old school now almost passed away, and a general favourite.

Mr. Mookerjee was a Pleader and a Brahmin. He was also a victim of modern scientific realism. To-day, as he entered the Bar room, a smile of triumph irradiated his countenance. Drawing a chair up to the table between Messrs. Smith and Masterman, who were engaged in a conversation on legal subjects, Mr. Mookerjee sat down heavily, drew a small volume from his pocket, and waited with an air of expectation.

"Well, Mookerjee?" queried Mr. Smith.

"This little book," said Mr. Mookerjee, opening and reading from it, "is by Arthur Keith, M.D., LL.D., Hunterian Professor and Conservator of the Museum, Royal College of Surgeons, England; Author of *Embryology and Morphology of Man*, etc., etc. Title of the book is *The Human Body*. I have just procured it.

"Dr. Keith says" (*reading*) "'I propose to discuss some very peculiar features of man's body which are concerned with posture, and which afford additional evidence that the human stock was not always adapted for the erect posture. The first of these is the human tail. It is not a matter one cares to lay emphasis on.'" ("But why not?" interjected Mr. Mookerjee), "'yet, for the sake of truth, it must be admitted that man is the descendant of a tailed primate. In the human embryo, up to the sixth week, the tail projects on the surface of the body; even at birth a depression in the skin marks the point at which the tail sinks within the body. It is not uncommon to find, during dissection of the human body, vestigial muscles which represent the tail muscles of the lower animals. Well authenticated cases are on record of children who have been born with true tails. Such cases are rare, and the tails are little better than soft, string-like appendages, but their structure, and the fact that they form a continuation of the backbone, leave no doubt as to their true nature.'"

"What do you say now?" asked Mr. Mookerjee. "One day you laughed at me when I spoke of tail of man."

"I didn't laugh at you," said Mr. Smith. "I have always agreed with you."

"But Mr. Masterman laughed. He is young, and is knowing more than elders. Teaching grand-parent to suck egg—hoon?"

"I say it's all speculation," observed Mr. Masterman mischievously.

"Speculation!" exclaimed Mr. Mookerjee. "You consult any other book like this, my friend. All are saying the same thing. This is result of modern science. It is general opinion. Refer to last edition of *Encyclopedia Britannica*, which is standard

authority. Read any article—Evolution, Zoology, twenty others. All are saying the same. Articles are expression of opinion of learned experts.”

“But what reason do they give for their opinion?” asked Mr. Masterman.

“*Arè hap rè!*” sighed Mr. Mookerjee, “they are giving too many reasons.* Why you do not read?”

“Well, let us have one of their reasons.”

“How do you account for domesticated bird and animal?” asked Mr. Mookerjee.

“Domesticated?”

“Yes, living in house like man. Bull-dog, spaniel, fighting cock, pigeon with tail like fan, pigeon with swelled neck like *mussuck*—pouter pigeon,” urged Mr. Mookerjee.

“Why am I called upon to account for them?”

“Because you will not find them in jungle, in the state of wildness. Do you see herd of bull-dog in jungle like herd of deer—hoon?”

“What does that prove?”

“Proof of pudding is in eating!” retorted Mr. Mookerjee warmly, although somewhat irrelevantly, for he was nettled. “Domesticated birds and animals are creation of man. Result of breeding. Pigeon with tail like fan is descendant of common wild pigeon with straight tail. There is no other sort in nature.”

“But nature doesn’t breed animals,” objected Mr. Masterman.

“That is the very thing!” cried Mr. Mookerjee. “Natural selection, offspring of Darwin. Why you do not read? What man can do in one hundred thousand

* What Mr. Mookerjee meant to say was “very many reasons.” In the same way he used the phrase “too old” for “very old.” He is not to be regarded as a type of the average pleader, who is now well-educated and often speaks English as though to the manner born.

years, nature is doing in one million years. Little by little. Incremental change growing bigger and bigger. Hoon ? ”

“ Is that how man’s ancestor *lost* his tail? How, exactly, did he lose it ? ”

“ Fighting for female! Struggle for life! Tail is handle. There are many explanations. This is mine.”

“ I don’t understand.”

“ Tail is handle,” argued Mr. Mookerjee. “ If monkey wants to run away he is caught by tail. If there is no tail there is no catching. This is simple case of survival of fittest.”

“ And where did the first animal come from ? ” asked Mr. Masterman.

“ From where do *you* think? Did camel and elephant drop out of the sky, or come up out of the ground? Or did head and tail and body and legs fly through the air from different quarters, and meet and join together in one place! Such questions Mr. Herbert Spencer was asking. He was foremost thinker. It is people like you who do *not* think. Creation, oh yes, my friend, but only by process of natural law.”

“ You haven’t answered my question,” insisted Mr. Masterman. “ There must have been a first animal.”

“ But what sort? Speck of jelly, protoplasm. It is not so strange. Read Professor Huxley, who was greatest biologist. Egg turns into fowl every day. Egg is common matter, yolk and white, which is turning by itself into bird with intellects! This is evolution. Puling babe in mother’s arms is turning into big man with hairy beard! This is evolution. Small seed like speck is turning into vast tree with branches and fruits! This is evolution.”

The Bar room had got more and more interested and amused by the discussion, and now general laughter put a period to Mr. Mookerjee’s eloquence. Taking

advantage of the pause which ensued, Mr. Smith resumed his interrupted conversation with Mr. Masterman.

"Well, as I was saying, to really understand a section you must read up its history. Originally, as you will often find, the section was crude. Difficulties to which it would give rise were not foreseen. Many of the important sections in our Acts have been amended, a few more than once. Experience showed where they were at fault. They have become more elastic and at the same time more compact. The redundant parts have sloughed away."

"Like tail of man," remarked Mr. Mookerjee, who was recovering his composure. "It is evolution, my friend, evolution in law, in manners, customs, government—evolution in everything !"

THE EERIE DÂK BUNGALOW

THE EERIE DÂK BUNGALOW



SMITH, what exactly is a dâk bungalow ? ”

The question was put in Masterman's early days.

“ A dâk bungalow, my son, may be defined in either of two ways. It depends on the point of view. From one point of view it is an institution for the maintenance and relief of superannuated cooks and khansamahs who have given the best years of their lives to the service of Commissioners and Deputy Commissioners. It is a sort of pension, and a very handsome provision it affords. When a good servant has grown aged and past work it is usual for his grateful master—but, of course, this sort of thing can be done only by one of the great ones of the earth—to appoint him to a dâk bungalow.”

Here Mr. Smith helped himself to a cigar.

“ From the other point of view,” proceeded Mr. Smith, “ a dâk bungalow may be defined as a haven of rest and shelter, provided by the State, for weary travellers on India's trunk roads. It is a place where dirty bed sheets are used as table covers, and you drink your whisky peg out of a tea-cup. But why do you ask ? ”

“ Why, I met a fellow last night who was telling stories about dâk bungalows. Weird sort of yarns they were.”

“ To what class of yarns did this man's belong ? ”

“ Well, they were mostly ghost stories. He said a certain dâk bungalow was once a private house, the master of which was a ‘ dab ’ at billiards. He was devoted to the game, and constantly practised it. One night he and one of his guests had a row, and they fought a duel

in the house with pistols, the owner of the place being killed. This was long ago, of course, a hundred and more years ago. But now the lonely traveller is awakened at night by the clicking of billiard balls, and by a sound like the shuffling of a man around a table. He told several other absurd stories of the same kind."

"You are mistaken," said Mr. Smith, "about the credibility of the stories. I myself believe such stories to be true. But although that sort of things once happened in dâk bungalows, they don't now. Nothing of the sort has happened in my time. The spooks grew discouraged, and retired from the business a long while ago. Impossible to say why. Perhaps because of the vileness of the accommodation provided in dâk bungalows. But this is not to say that queer things don't still happen. They do. A man can't travel about this country by road, or stay much in dâk bungalows, without meeting with adventures of sorts.

THE LADY IN THE TONGA.

You've heard me speak of Hamer? He left the country ten years ago. Hamer witnessed a curious thing once. He went out of the station in a case, and had to pass some time at the Beldongri dâk bungalow.

Beldongri is a very small place. No European lives there. In the evening Hamer was sauntering between the bungalow and the gateway. Suddenly he heard the noise caused by a tonga being driven at furious speed.

What is a tonga? The Provincial Gazetteer will tell you that it is a hooded frame on wheels drawn by a pair of bullocks. At the time to which my story relates it was the only mode of conveyance in these parts, and was used at stations as well as in the country. People called it a "cow-cart." I must tell you that the tonga in

action has a front and back motion resembling the pitching of a ship in a heavy sea." It was not a comfortable way of getting about. When a man finished a twenty-mile trip in a tonga he ceased to be an efficient member of society until given a shampoo, a hot bath, and a rest in bed.

But about Hamer. As the tonga turned a corner and came in view, he noticed that its only occupant was a lady. She occupied the front seat, which is unusual. Her eyes were drawn widely open, and she stared down the road in front of her. But the really extraordinary thing about her was that she kept bowing incessantly. It wasn't exactly bowing either. She kept slowly wagging her head, up and down, in a most persistent manner.

Hamer knew her at once as a missionary lady whom he had met here shortly before. Surprised though he was at her behaviour, he smiled and waved his hand to her, but she passed on apparently without noticing him. Hamer watched the tonga from the back, as it dashed along the avenue which bordered the road leading away from the bungalow, and he noticed that the lady was still bowing, now apparently to a party of Indians who were approaching the tonga on foot.

The explanation of the occurrence he got later. The lady was on her way to get buried! Dead? Yes! She had died suddenly of cholera at a small mission station up the road, where the only other Christian was the Indian catechist. There is no cemetery there, of course, and there was no one to help bury her if there had been. So he lashed the body with a rope to the cross-bar inside the tonga, and sent her on for interment to the head mission station. It was the back and forward action of the tonga which made Hamer imagine that the lady was saluting everybody she passed on the road."

"Horrible! What about your own adventures?"

SMITH'S ONLY TIGER STORY.

"Oh, they're mere piffle . . . Well, I'll tell you about a scare I had once, years ago. It almost turned my hair white, and I couldn't sleep peacefully o'nights for long after.

I had work at a place called Manda, a district station. To get to it you had to go by rail to Barora, and then by tonga for the rest of the trip. The journey from Barora to Manda is twenty-eight miles. In those days the country was mostly dense scrub jungle, infested with tigers. Now there is a railway, and the bush has been to some extent cleared.

When I started from Barora, after a late tiffin, I noticed a large white dog, a modest and self-respecting pariah, trotting after my tonga. He seemed very much in earnest, and looked as if he meant to finish the journey with me. That was his intention, too. The tonga-wallah, on being applied to for information, said the dog belonged to his master, and always accompanied the tonga from Manda to Barora, when it came out for a fare.

I should have reached Manda that night, but by the time we got to Najargaon, which is a little more than half way, the bullocks were knocked up, so I decided to pass the night where I was. Najargaon is only a small village. Half a mile beyond it, however, there is a bungalow. It is not what is usually called a dāk bungalow. It is of the sort known as Engineers' bungalows, and is maintained by the Public Works Department for the convenience of its officers and others. There is no khansamah in charge. Only a chowkidar, and he was accustomed to pass the night in the village. The bungalow is very small. It has a front verandah, a sleeping room about sixteen feet square, and a bathroom beyond.

After my arrival I killed time till the dinner hour. Then I partook of a frugal meal of canned meat and bread, after which I turned into bed and read. Or rather I tried to read. The only illuminant in the place was a chirag. A chirag is a tiny, round earthenware dish, containing oil, in which a wick floats. You have to be very patient to read by the light of a chirag.

Between nine and ten o'clock there was a commotion in the compound. My Brahmin clerk and my clients had arrived. They had come on from Barora in a bandi, that is to say a country cart, and were to go on to Manda the same night.

My clerk was excited, and apparently with reason. "There is," he reported, "a mad tiger in the road." But it wasn't so bad as that. Cross-examination revealed that the tiger was not then on the road, nor was there any reason to suspect that the animal had gone out of its mind.

My clerk's report as to the presence of the tiger rested on statements made to him by a halkara. The halkara is a post office runner. He carries the mails where there is no railway or horse-tonga service. He does his beat at a jog-trot, covering six or seven miles, and then makes over his bag to the man at the next station.

"Call the halkara," said I. The halkara came into the verandah. He was a picturesque figure. Around his waist was a belt hung with small bells, which jingled as he ran. In one hand he carried a spear, and in the other he held a flaming torch.

Now I should like to say a word about halkaras. They must be among the pluckiest men on the face of the earth. Sometimes their beat runs through dense, tiger-haunted jungle, and they may have to do the journey in the dead of night. On one occasion that I know of, a tiger became man-eater, and carried off

the halkara. His bag of letters was found next day, and a pool of blood near by marked the scene of the tragedy. It sounds incredible, but four other halkaras took up his job, one after another, and were all killed and eaten by the tiger. Then the post office stopped the service, and made other arrangements.

I was told of a nasty bit of road which the halkaras had to negotiate in another district. They had to cross, by night, a stream, which after heavy rain became a raging torrent. The postal authorities had a rope tied to a tree on one bank of the stream, the other end of which was fastened to a tree on the opposite bank. The halkara pulled himself across, hand over hand. It was risky work. If he had let go, under the pressure of the water or from any other cause, he would have been a lost man.

My halkara told his story. A tiger on the beat had lately turned man-eater. A fortnight before he had killed an aged villager half a mile from the bungalow. The old man was sleeping at the foot of a machan. A machan is a small shed made of split bamboo and grass standing on piles. From this the cultivators get an extended view of their fields, and scare away deer from their crops.

In the machan that night were the old man's daughter and son-in-law. They heard the sounds of a struggle and suppressed cries, and then a prolonged growling and munching, but they were afraid to come down from the machan to see what had happened. By the morning's light they saw the old man, what was left of him. It wasn't much.

"Had the halkara himself seen the tiger?" He had! A week previously. The tiger was sitting on its haunches in the middle of the public road, in front of the bungalow, "there, near the large tamarind tree

to the right of the gate." When the halkara saw it he waved his torch, scattering the sparks in the air, and yelled. The tiger didn't budge. Its attitude was contemplative, wondering, very likely, what halkara would taste like. The horrid sight froze the halkara's blood. He turned and ran back to the village, and returned later with a party of a dozen men armed with lathis and spears, but the tiger was then gone.

Having started off my clerk's party, I came back to the bungalow. There was now no other person on the premises, because the chowkidar, according to his custom, had gone off to the village for the night, and had taken my tonga-wallah with him. He had apparently driven off in state in the tonga either during or before the bustle caused by my clerk's arrival.

It was a warm night. There was some moonlight outside, and the jungle was very still. I got into bed and tried to read a little more of my book. The door leading out to the verandah was open, but the entrance was protected by a hanging chick. A chick is a curtain of sliced bamboo.

I must have been very tired, for I fell asleep in the act of reading. An hour later, near midnight, I awoke. The cause of my waking was the stertorous breathing of what Mr. Mookerjee would call a ponderous animal in my neighbourhood. It seemed to come from the verandah.

The tiger ! I shot out of bed, and made for the door. Thrusting the chick outwards, I looked to the right and to the left. It was the same peaceful scene as before on which the moon shone. There was nothing in the verandah; and, strange to say, the loud breathing which had disturbed me had now ceased.

I decided to protect my privacy against intrusion, and endeavoured to bolt the door. I couldn't. The two halves of it would not join, though I tried hard to

get them to do so. The cause of this I discovered next morning. The punkah rope, which ran through a hole in the top, was slack, and had caught against the outer edge of one of the leaves of the door. I didn't notice this at the time, owing to the semi-darkness, and to the state of agitation I was in. However, I did the next best thing to bolting the door. I rammed a chair against it, and on the chair I balanced another. Then I went back to bed.

I hadn't been there two minutes when that awful animal was back, either in the verandah or somewhere else horribly near me ! The noise of its heavy breathing filled the room. I tried to think of other things, but it wasn't the least use, I found my mind preoccupied with the tiger. I thought of the old man under the machan, and pictured to myself the deplorable scene which would ensue if the tiger broke into the room. The thought was harrowing. It affected me almost to tears !

To relieve my feelings I got out of bed, and, the moment I did so, the noisy breathing stopped as before. This happened half-a-dozen times. It was most remarkable. I kept on repeating the experiment, and getting the same result, during the next half-hour, though it seemed a much longer time to me.

Then, all of a sudden, the mystery was dispelled. I should have told you that there were two beds in the room, at opposite sides of it, against the walls. Lying on the other bed I discovered—what *do* you think?—the dog which had accompanied me from Barora. He must have come into the room after I fell asleep. Whenever I started out of bed he sat up, and then his breathing was normal, but when I lay down he stretched himself along the mattress on which he was, and the sounds emitted by his respiratory apparatus in this attitude must have been on a level with the combined efforts of the seven sleepers of Ephesus.

I forgave that dog. I could have hugged him in the reaction of the relief I experienced. Again seeking my virtuous couch, I fell asleep almost at once, and did not wake again until the morning light had steeped the forest in all the glories of russet and gold."

THE MAN WITH THE HAUNTING EYES.

"Any other dâk bungalow yarn?"

"What I've just told you is not a yarn. It isn't good enough for a made-up story. I'll tell you of another scare I had, a minor one, in a dâk bungalow. This was at Chakdara.

The bungalow is not a large one. It has a room in the middle for public use, and a bedroom on either side of this. Behind each of the bedrooms is a dressing-room, and, between these, there is a corresponding room at the back of the public room.

I reached the bungalow only in time to snatch a hasty breakfast before going off to court. On my arrival I saw, at one end of the verandah, the only other occupant of the bungalow. He was a European, dressed in a helmet and in what had once been a white drill suit. But his eyes! They were eloquent! One glance at those tell-tale orbs and I knew him for a votary of Bacchus, as one given wholly over to the practice of vinous intoxication. To be plain in my language, his eyes were bloodshot, his face puffy and pappy, and his gait somewhat unsteady.

I didn't get back to the bungalow till late in the evening, and dined in my bedroom. Then, after reading for a while, I turned down the Hinks' wall-lamp, and placed it in the farthest corner of the room.

I could only have slept a very little while when a great noise awoke me. It seemed to come from one of the doors of my dressing-room, the door leading into the room at the back of the public room, this door being bolted on my side of it. It might have been somebody violently hurling himself against the door on its outer side !

I didn't take it all in at once. I raised myself in the bed, and began to think, being at this time only mildly interested in the proceedings. Somehow they didn't seem to be any concern of mine. Just then, however, a man again seemed to fling himself several times against the door, and then he began to scratch noisily on it with his finger nails !

This put me wise, as they say in America. "It's the orphan in the drill suit." I thought to myself. "He has an attack of the jim jams, and wants to come in and pay his respects to me." I hadn't seen him since the morning, nor had I enquired after him, but a vivid image of him was now stamped on my mind's eye.

I felt that the situation was one calling for instant action. Stepping out of bed, I took hold of my lamp, turned up the light, and entered the dressing-room. A dead silence immediately ensued. I stayed there a few minutes, examining the door and its fastening, and then returned to my bedroom, turned down the light, and got into bed.

The moment I did so the votary of Bacchus re-started his pranks. The door couldn't stand much more of that sort of thing. The whole house seemed to shiver with the concussions !

I came out of bed once more, turned up my lamp, and re-entered the dressing room ; and, again, perfect silence reigned as I crossed the threshold.

Now, it isn't my fault that, in this feature of it, this adventure should resemble the last, because I am just giving you the facts as they happened.

I was obliged to make several trips to the dressing-room before a happy thought occurred to me. It was to turn down the lamp in the dressing-room, and await events there. I had barely done this when the row started. It *didn't* come from the door, I now found. It came from the inside of a tall almirah standing against the wall of the dressing room. I removed the hasp from the staple, the almirah was not locked, and threw open the doors. As I did so a cat sprang out !”

“A cat ?”

“A cat ! The Khansamah had accidentally imprisoned her in one of the shelves of the almirah, along with an assortment of crockery, when he shut it for the night. Whenever the cat put her back into it and made an effort to get out, the crockery suffered, of course. As a matter of fact, as I afterwards learned, the stranger with the haunting eyes did not pass that night in the bungalow. He had left it on the previous day during my absence.”

“Now that,” added Mr. Smith, “is the sort of thing a peaceful and inoffensive traveller has to put up with in dak bungalows.”

IDEALISM IN EXCELSIS

IDEALISM IN EXCELSIS

THEY were sitting side by side in long chairs in the Bar room.

"Masterman," asked Mr. Smith, "did you ever show a liking for metaphysics?"

"What is it—a cocktail or a patent medicine?"

"The whole trouble began," said Mr. Smith, meditatively, "with a chap whose name is spelt D-e-s-c-a-r-t-e-s, but pronounced Da-Kart. French worthy of the seventeenth century addicted to philosophy. As I daresay you know, it was he who propounded the aphorism 'I think, therefore I am.'"

"What rot that is," remarked Masterman. "It would be just the same thing to say 'I want fees, therefore I am,' or 'I am hungry, therefore I am.' I wonder what makes my 'boy' so late with my tiffin."

"It would be the same thing, as you say," agreed Mr. Smith, "but you evidently don't see all the tremendous implications. The conclusion at which Descartes ultimately arrived was that he was certain of his own existence."

"What a precious ass he must have been to doubt it!"

"But," resumed Mr. Smith, "having reached that conclusion, it became equally clear to him that he could not be sure of the existence of anything else."

"Didn't they lock him up?"

"Now, you be serious," said Mr. Smith, "because this is a serious, not to say a solemn matter. Descartes was followed by Locke, who tried to make out how it

is we get to know anything at all. His conclusion was that all our ideas come to us through the senses. 'There is nothing in the understanding,' he said, 'which was not first in the senses.' So a man born blind and deaf, and wanting the capacities of touch and taste and smell, would be devoid of ideas. He would eat, of course, if food was placed in his mouth, but thought would no more accompany the act than it does in the case of the suckling infant."

Here Mr. Mookerjee joined the party.

"Mr. Masterman is wishing to teach me how to suck egg," said Mr. Mookerjee. "But he is too young. Sucking milk himself when I was already author of numerous adult progenies. Ha, ha!"

"After Locke," proceeded Mr. Smith, "came Berkeley. He was the Protestant Bishop of a place called Cloyne, in Ireland. Berkeley's view was the reverse of that of Locke. He argued that all our knowledge is of ideas, and not of things. We imagine that an object is blue or red. In reality it has no colour at all. We imagine a table to be round or square. It is neither. In fact the table itself doesn't exist except as an idea in the mind."

"Oh, come," said Masterman, "that's rubbish. I see you, and I know you're there. I see Mr. Mookerjee also, though I don't see the egg to which he has referred."

"You 'see' us," rejoined Mr. Smith, "but the whole argument turns upon what you mean by that. A vibration outside you of the infinitely fine stuff which physicists call the ether has set in agitation the tiny particles of the nerves in the retina of your eye. The vibration travels along the nerves to the grey matter of the brain, and there gives rise, somehow, to an idea. When you say you see us, all you are directly conscious of is an image or thought-form inside of you. From

this you infer—it's only an inference, mind—that there are objects in outer space, that is certain other people, in your neighbourhood. Your inference may be a correct one, but on the other hand it may have no foundation."

"But, my dear chap, I not only see you, I can hear you and handle you. That's corroboration enough."

"No corroboration," said Mr. Mookerjee, smiling. "No, oh no. This is a confusion worse confounded."

"It is no corroboration, as Mr. Mookerjee says," remarked Mr. Smith, "because all our senses act in the same way. They convey different sorts of vibrations along the nerves to the brain, and these give rise to various impressions of sound or touch, and so on. But all these impressions are merely ideas in the mind. We have no certainty that they correspond to material objects outside ourselves."

"You are only person in universe," said Mr. Mookerjee, laughing. "All else you are imagining! This is ancient philosophy that world is delusion."

"Early Greek and Hindu thinkers did regard the external world as an illusion," observed Mr. Smith, "but they never worked out the problem systematically. That was left for Berkeley. He demonstrated that you cannot logically prove that anything exists outside yourself."

"Lord deliver us!"

"Cream of joke is this," said Mr. Mookerjee, "that you are never dying!"

"On Berkeley's view," explained Mr. Smith, "you cannot die. All your knowledge of death is derived from your belief in the existence of other people, but if they are mere creations of your imagination, you have no reason to suppose that your present mode of existence will undergo a change."

"Always coming to Bar room to earn daily bread for ever and ever," said Mr. Mookerjee. "Always talking with same people . . . eating and drinking and sleeping!"

"But it didn't end with Berkeley," resumed Mr. Smith. "He was followed by Hume, the great Scottish philosopher. Hume accepted Berkeley's conclusions, but he showed that Berkeley didn't go far enough. Hume's point is that you cannot be sure even of your own existence."

"Lord deliver us!"

"Your conviction of your personal existence," continued Mr. Smith, "is bound up with the belief that you are a being with arms and legs and a brain that thinks. But these organs are merely objects in space, like other things that are the subject of your thought, and if you agree with Berkeley, you are not sure that they are anything more than ideas. But what Hume did was simply to extend Berkeley's argument to our inner selves. If the properties or qualities of matter, which are all that our senses make us acquainted with, afford no guarantee of an underlying 'substance' of matter, then so neither do the phenomena of consciousness afford us assurance of an underlying 'substance' of spirit to which they belong. In short, Hume's conclusion is that thought only exists—not *my* thought or *your* thought—but just thought in the abstract."

"Lord deliver us!"

"The right way to approach the problem," added Mr. Smith, "is this. I know by intuition that I exist. And if I exist, then so also does an external world, because I feel as certain of the one thing as of the other. I derive my knowledge of both from the same source, and with an equal degree of assurance. But, as I say, I know these things by intuition only. I can have no logical proof of them. As Professor Tyndall once said,

it is as impossible to prove idealism to be false by any process of reasoning as it is for a man to lift himself by his own waistband."

"So this is what science teaches, is it?" asked Mr. Masterman.

"Not science, my friend," expostulated Mr. Mookerjee. "Science is *explaining* external world. Science is explaining even human mind by psychology!"

"The scientists," said Mr. Smith, "do not accept the conclusions of the philosophers. They in fact regard the philosophers with some contempt as obstructive visionaries. And the philosophers, in their turn, abhor physical science and all its works. The scientists deal with realities—light, sound, heat, electricity, mechanics. The philosophers live in an ideal world. To them the investigation of nature is a waste of life. Of course their philosophy makes a hash of everything. Take history, now. What is the use of reading about Cromwell and King Charles I if these persons never really existed?"

"Idealism is a Bosh!" cried Mr. Mookerjee.

"The truth seems to be," said Mr. Smith, "that the scientists are somewhat afraid of metaphysics. You see, a cardinal principle with them is to demand that everything shall rest upon a basis of logical proof. The astronomers and the biologists are now agreed that our material world has existed in its present condition for at least one hundred millions of years, and possibly for three or four hundred millions, or even longer. The geologists, with their hammers, break into the rocks, and produce from them the fossils of animals which died an unthinkable time ago. They have shown that the weirdest sorts of creatures lived in past stages of the earth's history. And it is curious that the lower down you go, the simpler do you find the forms of life to be. Complexity of form increases by degrees as you

approach the surface. This is one of the arguments of the evolutionist, as you will be told by Mr. Mookerjee, who has devoted many years of his valuable time to the subject. But, of course, according to the idealist, these animals never existed, and couldn't exist except as thoughts. Oh no, the scientists don't love the idealistic philosophy. They won't have it at any price."

"Evolutionist will not touch it with tong!" said Mr. Mookerjee bitterly.

ONE OF EVE'S DAUGHTERS

ONE OF EVE'S DAUGHTERS



O you take no interest in cosmic riddles ? ” asked Mr. Smith.

“ Never heard of any by that name,” said Mr. Masterman.

“ What I mean is first principles,” explained Mr. Smith. “ Which came first, the hen or the egg, and questions like that. Do you mean to tell me that you were never curious to know ? ”

“ Never.”

“ What is it interests you most ? ”

“ Oh, cricket, polo.”

“ You are a pure-minded youth, Masterman,” said Mr. Smith, “ and I honour you for it. Keep your innocence unspotted. Shun the blasting effects of contact with speculative thought. But a man can't live a full and rounded existence on mere sport, as you'll perhaps begin to think as you grow older. By the way, did you never fall in love ? ”

“ Well—it wasn't exactly what you'd call falling in love,” said Mr. Masterman.

“ How then—you were struck ? ”

“ Yes.”

“ Hard hit ? ”

“ No—o. Just a passing fancy, I daresay. It was really only an adventure . . . Look here, I don't mind telling you about it, although I've never mentioned the thing to a soul. It was a caution to me, I can tell you.

It happened when I was on my way out to India. I had passed a week in Paris, and had had a ripping time. Then I took the train for Marseilles to catch the P. and O. boat. It was an interesting journey. The country is just luscious in parts, don't you think ? ”

"Thy cornfields green, and sunny vines, O pleasant land of France," quoted Mr. Smith.

"At a wayside station a couple entered my compartment. One was an elderly gent, grizzled hair and beard, tall and heavily built. The other seemed to be his daughter. She was quite the jolliest-looking girl I've seen. Such merry eyes! Saucy, you know."

"You fancy that style?"

"Rather! But she was no end of a pretty girl, too. Very dark hair, and curls, with cerise-coloured ribbons in her hat. I know it was cerise, because my sister wore a hat like that. I don't usually notice a girl's points," explained Mr. Masterman, "but it was different this time. I never felt like it before."

"Almost a case of love at first sight?"

"Well, something of the sort, perhaps. They were some time settling their rugs and wraps, and I assisted.

When the train started the girl occupied the seat next to mine, and the old gent was on the other side of her. It was only a half-compartment. Broader than long. The seats ran down one side of it, the broad side.

We all sat facing a partition draped in velvet. In the middle of this partition, in front of the girl and me, was a diamond-shaped mirror let into the woodwork.

I could see the girl in the mirror, but not otherwise. There was an upholstered elbow-rest between our seats, and the carved woodwork over this projected well forward. The girl was almost completely hidden behind the projection."

"Didn't you address her?"

"Yes, before we took our seats. But she knew no English, and I speak no French, so I made no headway. After a time I lay back in my seat and closed my eyes. I was day-dreaming."

"Dreaming of the girl?"

"Perhaps. All of a sudden I felt as if somebody was looking at me. I opened my eyes, and the girl's eyes met mine in the mirror. Just for a moment. We both turned away at once, and I stared out of the window."

Five minutes later we were looking at each other again. I couldn't avoid it! Just *had* to look from time to time. I daresay the girl felt the same, but she was awfully amused, too, I could see that.

It was beginning to grow dark, and the lights were not on. Presently I felt her arm on the elbow-rest, next to mine, and a moment later I was conscious of a slight pressure."

"A pressure against your arm?"

"Yes."

"Intentional?"

"I thought so."

"Of course you didn't return it."

"I did! Very gently at first, because I wasn't free from doubt. But there was no mistake about it. It became a regular lark! She nudged me with her elbow, and I nudged back."

"Masterman, I am disappointed in you!"

"My dear fellow, it seemed the most natural thing in the world, at the time. After a little while we grew tired of the game, and I lay back in my seat."

A little later I sat up, put my arm on the rest, felt her arm there, and nudged. She didn't respond. Huffed for some reason, I thought. So I placed my arm over hers, and applied pressure, putting a sort of a meaning into it."

"What do you mean by putting a sort of a meaning into it?"

"Well, in a persuasive sort of a way, you know. Just to let her understand that we were friends."

"Yes?"

"The other arm was withdrawn with a jerk! I was a good deal surprised. I leaned forward, and peered around the projection, and to my horror I saw a bearded profile against the skylight."

"Oh, Crikey! The man and the girl had changed places in the interval?"

"Yes."

"What did you do?"

"What *could* I do? I just lay back, and waited on events. I was awfully cut up, of course. Presently we ran into a large, well-lit station—Dijon.

The man called a porter, and the wraps and rugs were removed from the compartment. The girl also went away, and I saw no more of her.

The man then placed his hand on my shoulder, and asked me to step out with him. I didn't understand his lingo, but I knew what he meant. I got out of the compartment with him."

"What did he do to you? He ought to have killed you, of course!"

"He led me to a waiting room. It then turned out that he could speak a little English. Just enough to make himself understood. He said the girl was his wife, and charged me with having insulted her."

"Great Scott! I wonder you're alive! I suppose you apologised?"

"Oh yes, all that sort of thing. But he wouldn't be pacified. Made an awful scene, and spoke of calling in a gendarme."

"How did the affair end?"

"He said that in his country, after such an outrage—that's the word he used, though, of course, he pronounced it in the French fashion—the person in fault always made amends by paying money to a charity. Because that saved the honour of all parties. It was the custom, he said, and there was no other way out of it."

"Were you detained in Dijon?"

"Oh, no."

Mr. Smith whistled. "By Jove, I think I begin to see light," he said. "Did he mean that *he* would hand over to some good cause money which *you* were to give him for the purpose?"

"Just that. It cost me very nearly all I had on me, that is fifty pounds, to get out of the fix, but I thought it cheap at the price. What do you think of it all?"

"Think of it! You were done, my son! That was a put-up job between the man and the girl. Don't you see it yourself?"

"Oh, well, I don't know. . . . She was quite the jolliest-looking girl I've met, and the prettiest. It seems impossible to me, and it would be a pity, too!"

NEW MINDS FOR OLD

NEW MINDS FOR OLD

SEE this book?" said Mr. Smith. "It is one of a shilling series issued by William Rider and Son, London. Its author is Ernest Hunt, and its subject is stage-fright."

"Stage-fright is a rather capacious term, isn't it?" asked Mr. Masterman.

"It is. It is used to denote the funk which overtakes actors and singers whenever they are about to 'go on' for the first time. It also applies to the agitation and mental confusion which beset the man who is making a speech in public. I sat near enough once to observe the head of a Province when he was making an official speech of a quite ordinary kind, and I noticed that his face was ashen in colour, and that all through it he alternately clenched and unclenched his hands in a perfect agony of—what's the right word?"

"Remorse," suggested Mr. Masterman.

"It may perhaps be applied to the way a girl feels who is given to blushing in company, and to the condition of the man who looks as if he was apologising for his existence whenever he meets a stranger. Some people never get over it. Listen to what Hunt says about the sort of letters he is receiving from public performers: A—says, 'Although I have played in public for years, I can never do myself justice on account of my nerves.' B—puts her case thus, 'I have performed on the piano and organ, and have to do so in about a fortnight's time. I suffer terribly from nervousness before the time, and from exhaustion afterwards.' C—declares, 'if your method cures me I shall be

everlastingly grateful, for I can neither sleep nor keep food down if I have anything to do in public ?'

Awful, isn't it? These people wish and are expected to be at their best when performing, yet that is the very time when they feel at their worst. Then think of the anticipatory horrors they go through! Here was B—agonised a fortnight before the ordeal, and C—could neither sleep nor keep food down. These are English people, remember, who as a nation have a reputation for keeping cool. Think how the more emotional French and Italians must suffer."

"Does Hunt profess to cure it?"

"He does. But what he recommends in his eloquent little book is only what medical psychologists are now practising and teaching all over Europe and America. Their method is used not only in cases of excessive emotionalism, but even to remedy grave defects of character. Children who seemed to be unable to refrain from lying and stealing, have been reformed into truthful, moral members of society.

The system is applied to give relief to people who suffer from any sort of a fixed idea, for example, the person who imagines that he or she has, or is about to develop, consumption or cancer. It is fatal to insomnia, and to a craving for alcohol, and has lately been employed in cases of shell-shock.

I read the other day of an airman, a squadron commander I think he was, who distinguished himself during the war. He ascribed his success to having put himself through a course of concentration and suggestion—that's what the system is usually called, though technically it is known as psychotherapy. Whenever he was in a tight place, and felt scared, he shut his eyes for a moment and suggested courage and confidence to himself, and his nerves immediately hardened like steel.

Another eloquent little work on the subject is the volume on *Self-Cure* by Miss Hutcheson, M.D. Larger books are those by Bernard Hollander, M.D., and Edwin Ash, M.D. The thing has been practised on the Continent for seventy or eighty years. Medical men in England were at first prejudiced against it. But it caught on about twenty years ago, and now, so Miss Hutcheson assures us, there is no large town in England without its practising medical psychologist. It is recommended by Auguste Forel and by Doctor Paul Dubois, men of European eminence. Albert Moll is one of the leaders of the school, but the greatest of the medical psychologists is Freud of Vienna. He has performed what look like miracles."

"Just how is the thing done?"

"You start with a course of concentration. Now, as Doctor Ash says, it is a mistake to suppose that concentration consists in knitting the brows, or putting the body in a tense attitude, and thinking hard of something. True concentration is the reverse of this. Get into bed, or into a long chair, in a quiet place where you won't be disturbed. Take up a perfectly easy position, as if you meant to go to sleep. Every muscle in the body must be lax, and don't keep your jaws clenched, because that sort of thing causes a nervous leakage which hinders concentration.

Now make up your mind to think of somebody you know, or of an article of furniture, say a chest of drawers or a sofa. But don't rush it. Don't begin actively thinking of the person or object you have fixed on. Keep your eyes closed, and let any thoughts course through the mind that may happen to enter it. In a little while the image of the person or thing you decided to think of will begin to form in the mind of itself. Let it do so gradually. When it has become distinct, you may keep it before you by gentle efforts,

but on no account must there be any tension or straining of the mind. When once the image has become perfectly clear, endeavour to keep out all other thoughts. Do this gently, without violence. To concentrate successfully you must become oblivious of your actual surroundings. You must seem to be part and parcel of the scene, it may be a familiar room or a landscape, which your mental vision has conjured up. When you are able to visualise a person or scene distinctly for ten minutes on end the concentration process is perfect, and its further practice may be discontinued.

Begin by practising once or twice daily for ten minutes at a time. The process strengthens the memory. I know this from experience. The men who advertise memory systems make concentration a part of their course, and they are right in doing so. It is also a cure for mind-wandering. It enables you to get absorbed in your work, or whatever else you may have to do."

"Jogi is doing this," remarked Mr. Mookerjee. "Jogi is looking at tip of nose—."

"Excuse me," said Mr. Smith, "Jogi is not doing it. Jogi is a mystical humbug, who is more likely to make himself cross-eyed than anything else. Nor has the system anything to do with the egregious thing which calls, or miscalls, itself Christian-science. It is not faith-healing either. Confirmed sceptics have benefited by it, much to their surprise."

"You have not told us of suggestion yet," said Mr. Masterman.

"The practice of suggestion follows on concentration, the latter being a preparation for it, though you may begin both together. To practise suggestion you first write on a sheet of paper three or four short sentences one under another. Suppose you are a

person who has to deliver extempore addresses in public, in that case your sentences might be worded so :—

I am calm and confident when speaking.

I am never in the least flurried.

I take my time and speak with deliberation.

My ideas flow, and I am never at a loss for a word.

Observe that these sentences suggest, not that you hope or will try to be calm and confident when speaking, but that you *already* are in possession of the qualities which it is assumed you lack. It should be mentioned, however, that Hollander and some other psychologists believe that better results are got with many people by suggestions expressive of the will or intention to think or act *in the future* in the way one desires.

Having written out your sentences, and everybody must prepare a set suitable to his own particular case, learn them by heart, because it is necessary that the same ideas should be frequently presented to the mind in the same form of words.

Now, to make self-suggestions, you do as you did when preparing for concentration. Get into an easy chair in a quiet place with every muscle relaxed. Close your eyes, and wait until the mind is calm and free from other thoughts. If you should become slightly drowsy so much the better. Now focus on the suggestions. Repeat them to yourself mentally, one after the other, slowly and with earnestness, but at the same time without emphasis or effort. Do this for five minutes, three times daily, and mind you do it *regularly*. Persevere. You will probably get no results at first. It takes time to eradicate an ingrained habit of mind. If you get no help from the system, in spite of conscientious work, you will know that you are not prac-

tising it intelligently. The results are certain if you go about it the right way, and with patience and persistence.

For nervous insomnia psychologists condemn the practice of counting imaginary sheep jumping over a fence, and other such devices. First make up your mind not to fear the loss of sleep. It is not such a serious matter as some people suppose, because we are assured that one may get no more than a very few hours' broken sleep during the night, for months together, and yet suffer no injury to the health. To worry about the thing in advance is often the sole cause of a bad night. What you should do is to make yourself comfortable in bed, and then suggest for a few minutes that you are feeling deadly sleepy. If yawning and stretching will help you, then do these things. After you have finished making the suggestions, let your thoughts run on any subject that comes uppermost, provided it is not of an exciting character. You will do far better in this way than by making direct efforts to fall asleep, which is a thing to be always avoided, and with continued practice in the art of suggestion a habit of falling off readily will become established.

You can use the method of suggestion for many purposes. It will change a man's inmost nature in time. Listen to Hunt—"After six months the process will have achieved the purpose immediately in view, but it will have also opened a window upon a new vista of self-development which the wise will be very unwilling again to close . . . it may obviously be applied to temperament and technique, or to any one of a hundred uses." This is only what a great many specialists are saying. Some doctors constantly practise suggestion on themselves. There is nobody, of course, who wouldn't benefit by its use."

"What is the rationale of it?"

"The appeal is supposed to be made by the suggestion to the subconscious mind. What is the subconscious mind? Look here. Why does a man scratch his nose during sleep if it is tickled with a feather? What is it makes him turn over in his sleep, or re-cover himself if the blanket has slipped down? He is not conscious of his acts. It is the subconscious mind in him which is at work. It is this that keeps the heart beating and the lungs acting without any thought on our part. The functions of the conscious mind are of a higher order, namely, to reflect, argue, and so on. This doesn't really mean that we have two separate minds, but only different faculties in the same mind. One part of the brain may be asleep while another part is awake.

The object of concentrating and excluding other thoughts is to give the subconscious a chance of hearing the appeal. Medical psychologists hypnotise the patient. They put the conscious mind to sleep, or at least dull all its functions. Then they have a clear field for their appeal to the subconscious. This is how they secure marvellous results in two or three sances, sometimes at a single sitting. But these results are not always permanent, as they are when the cure is effected by the longer process of self-suggestion."

"I have often come across references to the subconscious, but I never knew what the deuce it meant. What is the thing, really?"

"The subconscious is the lower animal mind in us, over which the conscious mind has grown as a sort of layer. As to the action of suggestion there are several theories. Most psychologists believe that it affects the subconscious mind, wherein they think the trouble lies. In a thoroughly healthy person the conscious and the subconscious work harmoniously

together, the conscious giving a lead. But when a man falls below par, sometimes a want of co-ordination ensues, and the subconscious gets more or less out of hand. The reason why a school of psychologists think that the suggestion should affirm that you already are in the desired state in which the conscious mind knows you are not, is because they take the extreme view that the subconscious is wholly devoid of the power to reason, and is not to be argued with, but that it will accept and act upon a positive suggestion which is frequently presented to it at a time when other thoughts are absent from the mind."

"Do they think that the subconscious is in the stage of mental development reached by, say, a fish?"

"Well, at a not much higher level. It is part of the animal surviving in man. Do you remember what Tennyson says:—


. . . . 'When shall we lay
The ghost of the Brute that is walking,
And haunting us yet, and be free?'"

"This is what naturalist is both knowing and saying," observed Mr. Mookerjee. "Man is animal, my friend! In modern book of natural history they are putting him into Order Mammalia, Genus—."

"Sh--h! We haven't gone far enough with the thing to understand exactly how suggestion works, or what it works on. Psychology, you know, is only an infant science. It hasn't grown up yet, like the others."

OF DEEDS—AND MISDEEDS

OF DEEDS—AND MISDEEDS

 HERE is some humbugging in all grades of the profession, remarked Mr. Mookerjee, in continuation of a conversation with Mr. Smith.

Once I was junior to celebrated English barrister brought here from Presidency town. He was getting large daily fee. At consultation he was showing me half sheet of letter paper. "On this is written complete note of my argument," he was saying. I was greatly astonished, because this was barrister who is never speaking for less than three days in opening appeal. "You are wondering," he was saying, "a brevity of note for big speech, but this is easy matter. When I am preparing case I am reading brief with my brains. Other men are reading it with eyes only. This is the difference. It is mistake to prepare any note at all. All artificial aid is species of slavery."

I was saying that Mr. Asquith and other leaders of English bar are using notes, and newspapers are even saying that Mr. Asquith learns political speech by heart. But he was smiling at me, and saying, "This is sign of weakness really, and it is not my way."

However, this gentleman proved to be complete humbug. During the hearing I was sitting by his side, and he was frequently referring to full note of argument concealed inside his brief! He was doing it very slyly watching me from corner of eye, but he was not deceiving me.

That was small-minded of him, observed Mr. Smith.

It was quite harmless, said Mr. Mookerjee, and I am not blaming him. He is saying such things only to make people talk of him.

Here Mr. Masterman entered the room and took a chair by Mr. Smith.

Mr. Masterman : A client called to see me this morning. He has lately purchased a bungalow in the station, and showed me the sale-deed, of which he is evidently proud. The conveyance, which was drawn by a local practitioner, covered no less than six pages of a large-sized, stiff foolscap. The bungalow and its adjuncts were compactly described in the document as "all that messuage tenement and hereditament together with all yards gardens trees fences hedges ways watercourses wells drains sewers and ditches liberties privileges easements advantages and appurtenances whatsoever appertaining thereto."

Isn't it awful ! But this wasn't all. The document was stuck over with seals. It was adorned with small, round, reddish-brown wafers, and looked like nothing so much as the face of a court beauty wearing patches in the times of the early Georges ! Why do some men who draft conveyances for people do that sort of thing ?

Mr. Smith : Why does a doctor write his prescriptions in Latin ?

Mr. Mookerjee : He is doing it to bamboozle client, and he is buying the seals at Jigginbottom's shop ! Client is thinking, "I cannot write deed for myself because it is truly complicated business, and this is very clever lawyer who has left out nothing, not even ditches ; he has put on seals, too, and everything is made quite *pukka*"—hoon ?

Mr. Masterman : Why doesn't somebody tell the public that the law of India does not require a seal to be affixed to any sort of a deed. It is a mere

disfigurement. And there is no occasion to stigmatize a bungalow which has offered no provocation as "all that messuage tenement and hereditament." It sounds like abuse ! As a matter of fact the law does what it can to discourage this sort of thing. There are sections in the Evidence Act which imply that a bungalow should be called a bungalow in a conveyance.

Mr. Mookerjee : Then nobody is coming to lawyer to get deed drawn ! You are too young, my friend. As you are growing older you are knowing better.

Mr. Smith : Well, you know, it is simply a fact that if you call a spade an agricultural implement you are more likely to impress people than if you called it just a spade. But I agree that this sort of thing is carried to extravagant lengths.

Now suppose this document had said—"I, A, sell to you, B, for such a sum of money, my premises known as Honeymoon Lodge"—and if it also contained a statement of the outer boundaries of the property, as roads and so forth, it would be a perfect deed. Nothing else is wanted by the law. All the ditches, hedges, wells, and the rest of it, would be covered by that description.

In fact, as Masterman remarks, the law as much as says that this is how the document should be worded. To overload it with minutiae is not only unnecessary, it may be dangerous. If the matter went into court you might have A's lawyer saying to B, "The deed doesn't make specific mention of the kitchen, although you took care to see that every other detail was included, therefore it is clear the kitchen was not comprised in the sale."

On the other hand, it would be very wrong to encourage people to think that they might safely do their own conveyancing. There are other formalities which are of importance. The question of the stamp, for instance, and registration.

Mr. Masterman : Stuff ! These are trifles. And, apart from all the mummary, I think the fee charged was excessive. What do you suppose the holder of the precious document I was shown paid to the man who concocted the gibberish ? He told me five hundred rupees.

Mr. Mookerjee : He is not concocting it, my friend. He is copying—cribbing it, hoon ?—from old book of English forms. The same thing is being done in Presidency towns, and also in most stations in mofussil.

The long forms are prepared by solicitor in England who is very *pukka* man for getting money out of clients' pockets. We are foolish fellows here, who are allowing people to come to our office and talk, and not charging consultation fee. We are not doing like solicitor in England and preparing bill of charges : "To talking to you—one pound; to handing you your hat—five shillings; to showing you the door—five shillings." This is the way to grasp fortune. There is tide in the affairs of man, but we are not taking it at flood.

Mr. Smith : Masterman is wrong in assuming that the conveyancer charges according to the labour involved in the business. What he actually goes by in each case is the amount of the purchase-money or other consideration. The fee is *ad valorem*.

Mr. Masterman : But why *should* it be ? The public ought to kick against it. Why does a man, who fags in court all day and every day to earn a very modest income, think he is justified in charging an outrageous fee whenever he is called upon to draft a document which a schoolboy could throw off in five minutes once he was shown how ?

Mr. Smith : Well, I daresay the scale is pitched unreasonably high in most places. The public wants to be educated in this matter. It imagines that every legal document must be worded according to a certain

pattern, which is a dead secret outside lawyers' offices, and not to be compassed or even fathomed by the ordinary man. People ought to know that the law is indifferent to the wording of a deed so long as its meaning is clear. This is the only thing it insists on, and if you neglect it you are making trouble for yourself.

Nobody should pay for any sort of a draft the language of which is not so plain that Masterman's schoolboy would know what each word and sentence in it meant the moment he read it.

Take wills, now, which are perhaps the most important of the documents a lawyer draws up. The law doesn't care a brass button what they are written with or on, or how they are phrased, so long as the meaning can be ascertained. You may carve a will on a tombstone or a walking stick, you may scrawl it with a lead pencil on the cover of a novel, or paint it on something with the pointed end of a cricket stump. It may be in English, or Chinese, or Chocktaw, and in verse, or in shorthand, or in cipher.

Do you know, the best will I ever came across was written on a postcard ! The testator, after executing it, despatched it to his executor, and it was brought into court covered over with post-marks. But it was a beautiful will, as will's go, so clear and direct as to its meaning that it was impossible to challenge it on the ground on which so many wills are challenged, namely, ambiguity of expression.

Mr. Masterman : Several distinguished English Judges have written their wills on a half sheet of note paper. What I would like the public to know is that if a man writes the words—"This is my will, I give all I have to my wife"—and if his execution of the will is attested by two witnesses—of course there may be a dozen—that is enough. You can't make the will any

longer in a case like that without introducing verbiage. unless, of course, you wish to appoint an executor, and then you have merely to name him as such.

Mr. Mookerjee : I remember will-case once. Will was drawn by learned conveyancer, but he became too learned this time. Nobody was understanding it. Judge was laughing, bar was laughing, court peons were laughing.

Mr. Masterman : And the only people who didn't laugh were the legatees ! Isn't it an odd thing that one never hears of the murder of a professional conveyancer ? They ought to be killed, sometimes ! They pocket their fee, and then they're through with the job. All the real labour falls on the judge who has to construe the document, and on the counsel at the bar. You can't even call the beast of a conveyancer as a witness and ask him what he meant to say. The law doesn't allow that, of course.

Mr. Smith : At the same time it would never do to encourage the idea that people should draw their own wills. Simple as the thing may seem to be, one is liable to make such hideous mistakes. If a legatee attests the will as a witness, or his wife or her husband does so, the *legacy* fails. If the witnesses sign first, and the testator after, although they were all present at the same time and place, the *will* fails. And there are a hundred other pitfalls.

But, Masterman, about that question of the fee. It costs time and money, as you know, to become a lawyer, and then a man has to wait years and years, and to grind, before he gets his foot fairly on the ladder. What he sells is not only his book-knowledge, but his invaluable experience, and—

Mr. Masterman : Well, my dear chap, I know these things, of course. What I am drawing attention to is the preposterous divergence between the rates charged

by some men for work done at the bar and for mere conveyancing.

Mr. Mookerjee (lifting a warning forefinger) : There is another thing, my friend. Gup and chit-chat among professionals is all right. But this is not matter to be proclaimed from housetop. When you are talking about it to outsider, then (*confidentially*) you must be looking quite solemn, and you will be telling him—

Mr. Smith : Oh, mum's the word, of course.

**SOME LETTERS ON
SPIRITUALISM**

PRODIGIOUS !

Dear Mr. Editor,—

A young relative of mine lately wrote to me as follows :—



HE same number of the *Nineteenth Century* contained an article by A. P. Sinnett on spiritualism. He did not convert — I was struck by some of his arguments. Sinnett says that people often wonder why he believes that spirits exist. His answer is, 'You might as well ask a modern scientist why he believes in the electron theory. He would tell you, "My dear sir, the reasonableness of the theory was settled years ago. Go home and read the history, and don't bother me."'

I have also lately read two remarkable books by Florence Marryat, daughter of the well-known writer of sea stories. These books were written over twenty years ago, and describe her experiences with a number of mediums in England and America. Friends and relatives were raised from the dead, walked about the room, shook hands, discussed family affairs, and even sang songs !

Of course you will say that this is preposterous. But Miss Marryat is not afraid of critics. She argues with the reader all the time. She says—'Why do you disbelieve me ? I am either a liar or I have been deceived. But a great many reputable people have witnessed these manifestations with me. I have given the names of several. Some of them were sceptics (Doctors, Barristers, etc.), but they could not account for the facts on natural grounds. One of them was

Sir William Crookes, the well-known scientist, who made the most elaborate tests, and was convinced of the reality of it all.'

Miss Marryat lived for some years in India, and among the spirits brought to life were a *khitmatgar*, sepoy, and a Maharaja. All these spoke the native languages, and all present heard them. Others, who knew Hindustani, etc., went to these seances and verified the truth of Miss Marryat's statement.

You may ask how on earth dead people are brought to life. The spirits get their material from the medium's body. The process has been performed before a crowd of people in a brightly-lit room. As to their garments, a spirit can assume any garment by just thinking of it. Suppose you are a spirit and you think of a flannel suit. You will at once find yourself fully dressed in a flannel suit. I don't wish to be frivolous on such a subject, but this does seem a better way of getting one's clothes than going to a tailor !

You may suggest that the on-lookers were all hypnotised. But, as Miss Marryat says, it is absurd to suppose that the most expert operator could hypnotise twenty people at once, and make them see a dozen different spirits at the same time, and these spirits talking to their friends about their private affairs !

Miss Marryat gives an elaborate description of how a person dies—this is a nice, Christmassy letter, isn't it ! As you depart this life an invisible shape begins to form in the air about your body ! As the latter loses vitality, so the spirit shape becomes more life-like, till at the moment of death it looks exactly like yourself hovering in the air—only invisible. A person, however, who is clairvoyant, can see this spirit.

As soon as the spirit form is complete, it becomes detached from the body to which it was previously

attached by what look like rays of light. It tries to come down from the air and stand on its feet. But it is generally as weak as an infant (especially if the deceased had been ill for a long time), and so other spirits, dead relatives or friends, who are always hanging around, hasten to its assistance and revive it.

You may attend your own funeral as a spirit, and if you are very much attached to this world you may remain in this atmosphere for quite a long time. You will have a house to live in, but not like earthly dwellings, and also take food which the spirits seem unable to describe. Your principal business will be repenting of your past sins. There is no hell, but if you were very wicked on earth your surroundings will be rather unpleasant.

After a certain number of years your spirit will "die," and you will find yourself promoted to a higher and more pleasant existence. You may be the vilest sinner on earth, but in the course of time you will ultimately attain to the highest bliss. This is a comforting theory! The spirits know everything that passes on earth, and the more exalted ones can assist their friends down here to a certain extent.

Miss Marryat says a lot more that is worth reading. She, also, has not converted me to spiritualism—seeing is believing—but she has impressed me. She is *dead* now!"

Now, Sir, as spiritualism is very much in the air at present, I propose, if you think the subject is likely to interest your readers, to describe in a few letters to you the present position of the cult, and what it claims to have achieved. I should write as a sceptic, though not as a mere scoffer, and, I trust, with the fairness to

SOME LETTERS ON SPIRITUALISM

opponents which is necessary to the due discussion of a subject of such great interest and importance.

This letter, however, is a sufficiently lengthy instalment, and I shall therefore begin to say what I have to say on this subject in another issue of your Paper.

OF SPIRITS AND THEIR WAYS.

Dear Mr. Editor,—

There are a number of hand-books which treat of spiritualism. One of them is the volume entitled *Spiritualism and Psychical Research*. Its author is F. Arthur Hill.

Mr. Hill tells us that spiritualism really began with Mesmer and Swedenborg, but that modern “rappings” were unknown till 1847, “when they originated with the two daughters of a person named Fox, living in New York State.”

One of these girls afterwards admitted that their rappings were produced by cracking the knee and toe joints, and the other also confessed, but later on recanted her confession. Nevertheless “rappings of a similar kind began in other families and the infection spread like wildfire through the Eastern States.”

In England, although table-turning and its analogues were in vogue half a century ago, the thing was not seriously taken till 1882, when the Society for Psychical Research was founded by Professor (now Sir William) Barrett, Mr. F. W. H. Myers (the distinguished author of *Human Personality* and of many very thoughtful and stimulating essays), Professor Sidgwick, and Mr. Edmund Gurney.

Mr. A. J. Balfour has been a President of the Society; and the organisation has included or now includes Bishop Boyd Carpenter, Mr. Gerald Balfour,

the distinguished physicists Sir Oliver Lodge and Sir William Crookes, and Dr. A. R. Wallace the collaborator of Darwin, while several literary men of mark have passed into its ranks, Sir Arthur Conan Doyle being among the latest converts.

A record of the experimental work of the Society is now enshrined in twenty-five volumes of Proceedings and in fifteen volumes of the Journal. The three countries in which the cult is most strongly represented are England, France, and the United States, while in Italy the scientists Lombroso and Morselli have been among its adherents.

It is interesting to learn from Mr. Hill that the Roman Catholic Church bans and condemns spiritualism and all its works. On the other hand, we are told that Monsignor R. H. Benson "accepts as genuine the alleged phenomena, or some of them, but attributes them to the devil," which is not a little surprising in view of the almost general decay of belief nowadays in the existence of this functionary.

The remarkable statement is made that it is a mistake to suppose that a longing for a future life is so widespread as is generally believed to be the case. "Dr. F. C. S. Schiller of Oxford," says Mr. Hill, "suggested to the Society for Psychical Research that a systematic inquiry should be made" (on this subject). "The task was undertaken by the American Branch. Ten thousand people were sent a list of questions about their feelings with regard to survival, and three thousand replies were received. The result was rather astonishing. A large proportion of the people did not seem to care—over sixty per cent.—and there was reason to believe that some of those who said they did, were influenced by the idea that it would be very shocking to say they did not, and therefore answered from convention rather than feeling.

The total results certainly indicated a widespread indifference."

As regards the nature of the life after death, Mr. Hill sums up the belief of spiritualists as being that "it is very like the present one as regards occupations and interests, though of course we shall not have the same sort of body, and our condition there will depend on how far we have used opportunities here," which is morally satisfying and not wholly unorthodox.

Communication with spirits seems not to be an inspiring experience. It is said that Shakespeare, Dickens and Carlyle occasionally drop in for a chat, but "their vapid twaddle suggests sad deterioration since their death." Truly a melancholy state of things !

Automatic writing may be obtained by holding a pen or pencil in the hand and allowing the thoughts to run. Most mediums, however, fall into a trancelike state before results ensue. We are, however, solemnly warned against a too ready acceptance of the messages received. "Some of these," says Mr. Hill, "are definitely misleading, either by prophecies that do not come off or by gulling the automatist into the belief that he or she is especially chosen as the prophet of a great and new revelation to mankind." It was, perhaps, scarcely necessary after this to add that "acceptance of these messages is often evil in its results. The judgment becomes paralysed, the will is given up, and insanity or something very like it supervenes."

The spirits it appears can not only display a total disregard of the truth but are sometimes positively malicious. Says Mr. Hill : "An automatist was told to throw up his appointment and leave his home in Mexico City because this latter was going to be destroyed by an earthquake in consequence of its extreme wickedness. He was ordered to go to New York. . . . Having received more or less evidential messages at times, such as

correct diagnosis and prognosis of a relative's illness, the automatist had become convinced of the genuineness of the spirits, and he therefore sold up his effects and cleared out of Mexico with wife and family. A few days after his arrival in New York the spirits informed him that they had purposely fooled him, in order to teach him that spirits had no concern with material things."

On another occasion an American automatist, whose controls were said to be the spirits of King Edward, Mr. W. T. Stead, and Professors William James and Lombroso, was warned to flee from England, because the British Isles would sink bodily below the level of the sea in "July 1914 or thereabouts!"

I should like to conclude on a lighter note, so will reproduce here some verses dictated by the spirits—

"I saw her in the morning,
I spoke to her at noon,
I kissed her in the evening,
Under the harvest moon;
We met again one evening,
The stars were shining bright,
I told her that I loved her,
Said she, "I do not quite."

There is some more of the poetry, Mr. Editor, but I forbear from inflicting it on your readers. I shall keep it to read to tramps who invade my premises.

LITTLE BEN'S MENTAL GYMNASTICS.

Dear Mr. Editor,—

A larger and more authoritative work on spiritualism is the volume entitled *Psychical Research* by Sir William Barrett, F.R.S., late Professor of Experimental Physics in the Royal College of Science for Ireland.

The writer begins by introducing us to the "Magic pendulum." A finger ring is suspended from a thread which is held between the fingers. No matter how steady the hand may be the ring soon begins to oscillate, swinging to and fro like a pendulum, in spite of the holder's efforts to control it. If the ring is suspended within a tumbler "it will usually strike the hours of the day when so requested."

Again, if the letters of the alphabet be arranged in a circle with sufficient spacing between them, and the ring is suspended over the centre, "it will frequently spell out the answers to questions addressed to it."

It is, however, admitted that the solution of these phenomena is that the person who holds the suspended ring is unintentionally and unconsciously the cause of its motion. That this really is so follows from the fact that if the ring is suspended from a rigid support it will remain absolutely motionless, except for currents of air, in spite of all requests to the contrary.

Says Sir William Barrett by way of explanation of the facts—"A theory which accords with these and other automatic phenomena is that our conscious self has a sub-conscious or subliminal self associated with it, a sleeping partner as it were, that only speaks through these automatic actions."

An illustration of subliminal activity is given in the proceedings of the Society for Psychical Research. It is Mr. Blyth of Edinburgh who relates the incident of his brother Benjamin.

"When about six years of age Ben was walking with his father before breakfast, when he said—'Papa, at what hour was I born?' He was told 4 a.m., and he then asked, 'What o'clock is it at present?' He was told 8-30 a.m. The child walked on a few hundred yards, then turned to his father and stated the number of seconds he had lived. My father noted down the figures,

made the calculation when he got home, and told Ben he was 172,800 seconds wrong, to which he got a ready reply : ' Oh, Papa, you have left out two days for the leap years—1820 and 1824,' which was the case."

Mathematical prodigies are, of course, to be found everywhere. I myself once witnessed a trial at which the performer (an aged and emaciated Brahmin) gave correct answers to half a dozen or more questions, involving long and intricate calculations, which were put to him one immediately after the other, although in the interval he had been engaged in conversation with members of the audience.

But does a fact of this sort make it necessary to assume the existence of a second calculating self functioning on parallel lines with the conscious part of us ? Might not little Ben's feat have been the outcome of an abnormal extension of the same faculty by which we add two and two to make four ?

The writer passes on to thought-reading, of which the following instance is supplied by Mr. G. J. Romanes :

" First, Mr. Bishop was taken out of the room by me to the hall downstairs, where I blindfolded him with a handkerchief, and, in order to do so securely, I thrust pieces of cotton wool beneath the handkerchief below the eyes. While I was doing this Mr. Alfred Sidgwick was hiding a small object beneath one of the several rugs in the drawing room, it having been previously arranged that he was to choose any object he liked for this purpose, and to conceal it in any part of the drawing room which his fancy might select. When he had done this the drawing room door was opened and the word ' Ready ' called. I then led Mr. Bishop upstairs, and handed him over to Mr. Sidgwick, who at that moment was standing in the middle line between the two drawing rooms, with his back to the rug in

question, and at a distance from it of about fifteen feet. Mr. Bishop then took the left hand of Mr. Sidgwick, placed it on his (Mr. Bishop's) forehead, and requested him to think continuously of the place where the object was concealed. After standing motionless for about ten seconds Mr. Bishop suddenly faced round, walked briskly with Mr. Sidgwick in a direct line to the rug, raised it and picked up the object. In doing all this there was not the slightest hesitation, so that to all appearance it seemed as if Mr. Bishop knew as well as Mr. Sidgwick the precise spot where the object was lying."

Mr. Romanes, however, goes on to say—"Mr. Bishop interpreting, whether consciously, or unconsciously, the indications involuntarily and unwittingly supplied to him by the muscles of his subject, failure results when the subject is blindfolded and loses his bearings, or when the connection between Mr. Bishop and the subject is not of a rigid nature."

Sir William Barrett himself has arrived at the conclusion, as a result of careful experimentation, that the thought-reader "unconsciously and almost instantaneously interprets imperceptible muscular movements unconsciously made by the agent," i.e., the person who is in contact with the performer. So we have here no evidence of spiritualism.

That there is such a thing as thought transference, otherwise known as telepathy, is by many now regarded as a more or less established fact, though its results are too erratic to allow of its being applied to any practical use. The evidence in support of telepathy is said to be so weighty and cogent as to leave little room for doubt of its reality. On the other hand, that the source of this faculty is other than natural is by no means so obvious as spiritualists assert it to be. It is, in fact, no more wonderful than wireless telegraphy, to which it bears analogies.

The following example of it is contained in the record of an experiment with playing cards which is taken from the proceedings of the Society for Psychical Research. The 'percipient' was a little girl who stood outside the door of the room "with downcast eyes." The experimenters, who included Messrs. Myers and Gurney, drew at random different cards from a pack which lay before them, with the results given below :—

Two of clubs—Right first time.

Queen of diamonds—Right first time.

Four of spades—Failed.

Four of hearts—Right first time

King of hearts—Right first time.

Two of diamonds—Right first time.

Ace of hearts—Right first time.

Nine of spades—Right first time.

Five of diamonds—Four of diamonds.

(No). The child tries again—Four of hearts

(No). Five of diamonds (Right).

Two of spades—Right first time.

Eight of diamonds—Ace of diamonds said ; no
second trial given.

Three of hearts—Right first time.

Five of clubs—Failed.

Ace of spades—Failed.

It is, of course, impossible to entertain the suggestion that these results were due to chance, the odds against five cards in succession being named rightly being said to be over a million to one. And although collusion may perhaps be suggested by the mistake made in saying ace of diamonds for eight of diamonds, the conditions under which the experiment was undertaken, together with the high character borne by Messrs. Myers and Gurney who took an active part in it, combine to negative the suspicion.

THE PROFESSOR AND THE INFANT
PHENOMENON.

Dear Mr. Editor,—

A chapter of Sir William Barrett's book is devoted to hallucinations of the sort termed "veridical" or truth-telling.

The following will serve as an example of these :—
"The late Rev. W. Stainton Moses one night desired to appear to a friend some miles distant, who was not informed beforehand of the intended experiment. At the very time, his friend saw Mr. Moses appear before him, and, as he gazed in astonishment, the figure faded away. A second time the experiment was repeated, with equal success."

One can only say of such stories that seeing is believing. My judgment, at least, must remain in suspense until such time as a similar experience befalls me.

For the benefit of any reader who may be desirous of precipitating his astral body, or whatever else it may be correct to call the phantom, let me add that the deed may be accomplished by an "effort of will," a "wishing to appear" to the other person.

Of supernormal perception, or seeing without eyes, several cases are cited. I shall quote only one, which was supplied to the S. P. R. by a distinguished French Physiologist, Professor L. Richet—

"On Monday, July 2nd, 1888, after having passed all the day in the laboratory, I hypnotised Leonie (his daughter) at 8 p.m. and, while she tried to make out a diagram concealed in an envelope, I said to her quite suddenly: 'What has happened to M. Langlois?' Leonie knows M. Langlois from having seen him two or three times some time ago in my physiological laboratory, where he acts as my assistant. 'He has burnt himself,' Leonie replied. 'Good,' I said, 'and

where has he burnt himself?' 'On the left hand. It is not fire; it is—I do not know what it is. Why does he not take care when he pours it out. It is not red, it is brown, he has hurt himself very much—the skin puffed up directly.'"

"Now," adds the Professor, "the description is admirably exact. At four p.m. that day M. Langlois had wished to pour some bromine into a bottle. He had done this clumsily, so that some of the bromine flowed on to his left hand, which held the funnel, and at once burnt him severely. Although he at once put his hand into water, wherever the bromine had touched it a blister was formed in a few seconds—a blister which one could not better describe than by saying 'the skin puffed up.' I need not say that Leonie had not left my house nor seen anyone from my laboratory. Of this I am absolutely certain, and I am certain that I had not mentioned the incident of the burn to anyone."

It may be possible to explain this case as an instance of unconscious telepathy. On the other hand, this and nearly all the other cases to be found in the book, presuppose (1) the absolute good faith of the witnesses, and (2) the impossibility of self-deception, as in this particular case when the Professor assures us that his daughter could not have learned of the incident in the laboratory. Neither can the possibility of coincidence be said to be entirely excluded by the facts.

What, however, will strike the average man as curious is that this case requires us to go back to so remote a date as "July 2, 1888." One would imagine that Mille. Leonie's remarkable gifts as a medium would not have been confined to a solitary manifestation of them.

Another section of the book is given to 'telekinetic' phenomena. Sir William Barrett tells of

rappings, and the movement of objects that occurred when only he and a child, the daughter of an acquaintance, were present—"Vigorous raps, which had an intelligent origin—for, upon pointing to the letters of the alphabet, they spelt out answers to questions—came on the table, on the back of my chair, and sometimes in a far distant part of the room. . . . *The answers were such as the child would give, and the mis-spelling of words corresponded to those made by the young medium, as afterwards was ascertained.* Nevertheless, I am perfectly certain that she could not have produced the sounds, nor could she have lifted the heavy mahogany dining-table, which sometimes rose some six inches with only one leg resting on the floor, and this in full sunlight, *with our hands gently resting on the top and in view the whole time.*"

I have italicised certain passages in the quotation for obvious reasons. Apart from the admitted immaturity of the ideas conveyed by the answers given, the fact that the occult agency was unable to spell correctly, and that its mistakes, curiously, were the same as those which the little girl was in the habit of making, seem to point strongly to one conclusion only, and that is that his young friend was pulling the Professor's leg.

The story recalls an incident which occurred during the sittings of what was known as the Parnell Commission about a quarter of a century ago. Pigott was in the witness-box under cross-examination by the late Sir Charles Russell. On being asked by counsel to do so, Pigott wrote a sentence in which a certain word which was spelt wrongly occurred twice over, and attention was then drawn to the fact that a similar mis-spelling was to be found in the important letter, alleged to have been written by Parnell, which had led to the appointment of the Commission. This dramatic exposure finished Pigott, who had already been somewhat

badly shaken under the fire of counsel's searching questions, and it was followed, later in the same day, by his precipitate flight to Spain, and his subsequent arrest and suicide.

When Sir William Barrett further informs us that the giddy dining-table only kicked up its heels when his playful little friend had her hands on it, the conclusion which prosaic people will be disposed to draw from all the facts is the reverse of that to which the Professor was led.

Automatic writing, in which the Rev. W. Stainton Moses was an expert, naturally holds a prominent place in the book. Many of its exponents, of which the celebrated Mrs. Piper of 'Murica is one, are ladies ; and it is a fact, which should be noted here, that by far the larger number of mediums of all sorts is drawn from that charming sex which prefers to rely on instinct rather than on reason, and in which there is, perhaps, sometimes, a too generous development of that most interesting of human faculties, the imagination!

We are told that, since the death of Mr. Moses, the 'guides' or 'controls' which influenced him have transferred their services to Mrs. Piper. Although these spirits have "claimed to be respectively Homer and Ulysses," we are not likely to learn much of historical value from them, since we are told that the late Professor William James (himself an ardent spiritualist) described their discourses as being "sacerdotal verbiage mixed incongruously with slangy colloquialisms."

Indeed, contact with the spirits seems never to produce in the medium an elevated strain of thought. Thus we are told that, on one occasion, Mrs. Piper, when coming out of a trance, addressed her hearers with a "quaint and uncompromising frankness," as follows: "I don't want you—I want the other place—

You look funny You are ugly, to say the least. I never ! I wouldn't look like you Are you alive ? There are others more alive than you are up there "— which disconcerting result of intercourse with psychic influences is so unexpected that one almost imagines Mrs. Piper's hearers ejaculating, after the manner of the lady, " Well, I never ! "

SCIENCE AND THE SPIRITS.

Dear Mr. Editor,—

Although a few distinguished men of science have been actively interested in spiritualism, an overwhelming majority of the members of the Royal Society treat the subject, when they feel obliged to refer to it, which is not often, with ineffable contempt. This has been made a ground of complaint against them. They are charged with being materialists, and therefore prejudiced against spiritualism, and it is said that, in this instance, discarding their usual methods, they turn away from investigation.

Now, as has often been pointed out, there is not one word of truth in this charge. The fact really is that spiritualism has never submitted itself to such tests as alone can afford a guarantee of truth. The spirits, with a perversity which is of a piece with their other habits, refuse to communicate except through, or in the presence of, a medium, and usually under the shelter of darkness and secrecy.

In short, the conditions under which investigation is offered are the reverse of those which have led to the discovery of that splendid body of verified truth which science has placed at the disposal of civilisation.

Nor is this all, for when the conditions have been such as to afford an opportunity for the detection

of trickery, the spirits have cut up rough and refused to perform, babbling through the medium of "adverse influences," "noxious atmospheres," and other such gibberish.

The late Professor Tyndall relates an experience of this sort. Having been assured on high authority that he need not fear disappointment, he consented to pass an evening with the spirits. On his arrival, he was introduced to the medium, a "delicate-looking young lady," and was accorded the privilege of sitting by her side. Part of the conversation which followed is reproduced below.*

Professor : "You are aware of the effects ascribed by Baron Reichenbach to magnets ?"

Medium : "Yes ; but a magnet makes me terribly ill."

Professor : "Am I to understand that, if this room were perfectly dark, you could tell whether it contained a magnet without being informed of the fact ?"

Medium : "I should know of its presence on entering the room."

Professor : "How ?"

Medium : "I should be rendered instantly ill."

Professor : "How do you feel to-day ?"

Medium : "Particularly well ; I have not been so well for months."

Professor : "Then, may I ask you whether there is, at the present moment, a magnet in my possession ?"

Medium (Blushing and stammering) : "No, I am not *en rapport* with you."

At that time, the Professor goes on to tell us, there was a magnet in his pocket within a few inches of the lady !

* Cited from Tyndall's *Fragments*.

After this the seance began, the party sitting round a table with their fingers linked. At the outset the spirits were particularly lively, and rapped out their answers to questions with an unusual vigour. It seems they knew the Professor, whom they dubbed the "Poet of Science." This, of course, was a happily phrased reference to the picturesque and glowing periods in which Tyndall was able to clothe even a technical exposition.

The knocks had all been coming from under the table, so the Professor, who had not been much interested hitherto, now begged to be allowed to get under it. His request was granted, and the very unusual spectacle was witnessed of an eminent man of science crawling on all fours on the floor of the room! But from that moment the communications came to a dead stop, the spirits declining all further intercourse in spite of the most pressing entreaties. Well might Tyndall exclaim, at the end of his account of this melancholy exhibition, that it filled him with a despair never before experienced as to the prospects of humanity.

Much exaggeration attends popular reports of the results achieved by spiritualists. For instance, Raymond Blathwayt, in a character sketch of Mr. Horatio Bottomley, tells us that the latter was addressed by the late Sir William Crookes in the following terms:—"I am the inventor of Crooke's tube, and President of the Chemical Society, and I have studied the elements more profoundly than most men. I could tell you more about any particular thing you might ask me than most men could tell you, and I believe my brain to-day is as clear and active as it ever was—and yet I tell you, seriously and quite rationally, I have passed an ordinary ebony ruler through a mahogany table."

I must decline to accept this statement for two reasons. In the first place, is it credible that Sir William Crookes would talk of himself and his acquirements in the character of a self-assertive, boastful bounder, as he is here represented to have done? I myself feel sure that he was as modest as he was learned. In the next place, did Sir William Crookes really mean to say that he could pass *any* ruler through *any* table? If so, why did he not perform the feat in the presence of his brethren of the Royal Society at one of its meetings? That would have effectively squashed all opposition to supernaturalism, in the proof of which we may presume Sir William Crookes to have been deeply interested. The plain inference is that, either Mr. Bottomley misunderstood what Sir William Crookes said to him, or Raymond Blathwayt misunderstood Mr. Bottomley.

That spiritualism, as now practised, can ever take a place among the sciences is of course out of the question. In this connection Professor J. A. Thomson, the biological expert, writes :—"The subject-matter of science includes all clearly defined facts of experience which are both communicable *and verifiable*. . . . However real certain personal experiences may be to you, you are restrained by boundaries of your own erection from calling these experiences scientific territory. They may be, but they are not until it is shown that similar personal experiences will be enjoyed by all who place themselves in the appropriate conditions."

This puts the case in a nutshell. Accordingly, when our neighbour tells us that he can summon spirits from the vasty deep, although you and I, reproducing the conditions, are not able to do so, we are under no obligation to accept his statement. It *may*, of course, be true. On the other hand, his belief in his powers may be the outcome of pathological

conditions unconnected with any reflection on his good faith.

Most mediums, however, are to be placed in an altogether different category. They are professionals, working for hire, some of whom have been exposed, and others of whom have confessed to fraudulent practices.

Now let us consider the matter from another angle. Although copious communication with the spirits has been carried on for half a century, we are neither the better nor the wiser for it. It takes us no "forrader." We have learned nothing from this source which is of the smallest practical importance to us, nine-tenths of the so-called revelations coming through mediums being the merest drivel.

The only thing we are told in which a rational man is likely to feel any interest is that the future life bears a strong resemblance to the present, George Washington and the late Mr. Gladstone being said to be still fond of chopping down trees. Speaking for myself, however, this is not an attractive or satisfying presentment of our future.

Neither is it a philosophical view of the life of the soul. The late Mr. F. W. H. Myers, in one of his thought-provoking essays, has said :—"There can be no doubt that any hypothesis of our survival of death must logically suggest an existence before earthly birth. Since, however, this latter hypothesis has no obvious bearing on men's hopes and fears, it has dropped out of common thought."

After all, may it not be that our invincible egotism leads us astray in this matter? There is another theory of our future, based on the implications drawn from a wider and deeper knowledge of the facts, to which many of the leading minds of these latter days are more and more inclining. It is that the life im-

mortal lies, not in a persistence of the individual consciousness, but, rather, in a transformation and a flowing back of the spirit to that immeasurable fount of all life—

“ Whose dwelling is the light of setting suns,
And the round ocean, and the living air,
And the blue sky, and in the mind of man ;
A motion and a spirit that impels
All thinking things, all objects of all thought,
And rolls through all things.”

THE PROFESSOR AND THE LADY.

Dear Mr. Editor,—

The correspondent whose letter was the immediate occasion of these communications has again written to me on the same subject. As he takes the other side, I reproduce the following extract from his screed :—

“ I read a remarkable article some time ago of a strictly scientific experiment in which a young person sat in a chair and moved tables about at the other end of the room ! She was bound hand and foot, and tied to the chair, but still the tables were dragged about the room. The scientific observer—I think it was Sir William Crookes—then attached a weighing machine to the young person, and he noticed that every time the tables were moved, the medium lost an appreciable amount of weight. All this happened in broad daylight.

Sir William then brought a telescope or a microscope, or something of the kind, and he solemnly asserts that he traced the shadowy outline of an enormous pair of elongated arms extending from the young person's body, and it was these that moved the tables ! He came to the conclusion that the human body has capabilities of which we have no idea. . . .

I myself have experimented in dreams, though I don't advise nervous people to follow my example. I have found that I can control my dreams and even retain my reasoning powers in sleep. The result is that I am sometimes able to handle a dream, and examine it as it were! Lately I dreamt that I saw a powerfully built man coming out of a house. I was in possession of my faculties, and I said to the figure, "Look here, I am perfectly well aware that I am asleep, and that you are only a dream. Yes, you are just a dream and—" what do you think happened? The figure raised its brawny arm and gave me *such* a smack in the eye! Of course that woke me up. Did I run to the glass to see if I had a black eye? No, because the figure hit my spiritual eye, of course, not the physical!

I think a good many of our dreams must be telepathic, especially those in which we dream of other persons. There must be a certain amount of unconscious telepathy going on all the time everywhere. We exchange thoughts without knowing it, and perhaps that is why so many great discoveries and inventions are made by two or three people at the same time. I used to think, when a child, that in dreams the soul actually got out of the body and went travelling about the world, but telepathy—the reflection of other people's thoughts and memories—seems a simpler explanation."

In answer to what is said in this letter about Sir William Crookes it would suffice again to ask why he did not repeat the performance at a meeting of the Royal Society. Fortunately, however, I now have before me Mr. Walter Mann's interesting volume on the *Follies and Frauds of Spiritualism*. Its contents not only implicitly rebut the extraordinary claims some-

times put forward on behalf of Sir William Crookes, but also throw a good deal of light on his idiosyncrasy and methods.

It appears that the medium, Florrie Cooke, used to materialise the spirit of "Katie King" for the benefit of Sir William and his friends. Of one of these occasions Sir William wrote:—"Katie never appeared to greater perfection, and for nearly two hours she walked about the room conversing familiarly with those present. On several occasions she took my arm when walking. . . . I asked her permission to clasp her in my arms. . . . Permission was graciously given, and I accordingly did—well, as any gentleman would under the circumstances," which is seemingly the Professor's way of saying that he hugged and kissed the spirit!

To dissipate a suspicion that the spirit was no other than Florrie Cooke herself, it was announced that at this seance the medium would be simultaneously seen by those present. Sir William describes the scene which followed:—

"I was to turn the gas out and then come with my phosphorous lamp into the room now used as a cabinet. . . . I went cautiously into the room, it being dark, and felt for Florrie Cooke. I found her crouching on the floor. . . . and to all appearances perfectly senseless. . . . I passed the lamp up and down, so as to illuminate Katie's whole figure, and satisfied myself thoroughly that I was really looking at the veritable Katie whom I had clasped in my arms a few minutes before and not at the phantom of a disordered brain. . . . At last Miss Cooke moved slightly, and Katie instantly motioned me to go away," which the Professor at once did.

"Of course," adds Mr. Mann, "'Katie' was a confederate introduced by Florrie Cooke. It was the easiest matter in the world to carry out this trick, since the

room, described by Sir William as a 'cabinet,' was *Florrie Cooke's bedroom.*"

The Rev. R. C. Maurice Davis, himself a convinced spiritualist, describes this, or a similar seance, at Florrie Cooke's house. He writes:—"Two rooms communicated through folding-doors, the front apartment being that in which we assembled, and the back used as a bedroom, where the ladies took off their 'things.' This latter room, be it remembered, had a second room communicating with the passage, and so with the universe of space in general. One leaf of the folding-door was closed, and a curtain hung over the other. Pillows were placed on the floor, just inside the curtain, and the little medium, who was nattily arrayed in a blue dress, was laid upon them. We were requested to sing and talk during materialization, and there was as much putting up and lowering light as in a modern sensation drama. The Professor (Sir William Crookes) acted all the time as master of the ceremonies, retaining his place at the aperture, and I fear, from the very first, exciting suspicion by his marked attention, not to the medium, but to the ghost. When it did come it was arrayed according to orthodox ghost fashion in loose white garments, and, I must confess, with no resemblance to Miss Cooke. We were at the same time shown the recumbent form of the pillowed medium, and there certainly was something blue, which might have been Miss Cooke or only her gown going to the wash. By and by, however, with lights down, a bottle of phosphorized oil was produced,* and, by this weird and uncanny radiance, one or two privileged individuals were led by the 'ghost' into the back bedroom, and allowed to put their hands upon the

* Described by Sir William Crookes as a "phosphorous lamp."

entranced form of the medium. I was not of the 'elect' but I talked to those who were, and their opinion was that the 'ghost' was a much stouter, bigger woman than the medium ; and I confess that certain unhallowed ideas of the bedroom door and the adjacent kitchen stairs connected themselves in my mind with recollections of a brawny servant girl, who used to sit sentry over the cupboard in the breakfast room—where was she ?

As a final *bonne-bouche*, the spirit made its exit from the side of the folding-door covered by the curtain, and immediately Miss C rose up, with dishevelled locks, in a way that must have been satisfactory to anybody who knew nothing of the back door and the brawny servant, or who had never seen the late Mr. Charles Kean act in the *Corsican Brothers* or the *Courier of Lyons*.*

Sir William Crookes himself bears witness to his simplicity of mind and utter unfitness to test such manifestations. He tells us that he succeeded in gaining the medium's unreserved confidence, which, he says, "gradually grew until she refused to give a seance unless I took charge of the arrangements. She said she always wanted me to keep close to her and near the cabinet, and I found that after this confidence was established and she was satisfied that I would not break any promise I might make to her, the phenomena increased in power, and tests were freely given that would have been unattainable had I approached the subject in another manner. She often consulted me about persons present at the seances, and where they should be placed, for of late she had become very nervous in consequence of certain ill-advised suggestions that force should be employed as an adjunct to more scientific modes of research."

* Cited from *Mystic London*, by the Rev. C. M. Davies.

"It remains only to add," says Mr. Mann, "that Florrie Cooke was caught by Mr. Volckman in the act of impersonating a spirit at a seance. Mr. Volckman was invited to the seance after nine months' importunity, and then only when, in accordance with a hint from Mr. Cooke, he had presented Florrie with some jewellery. After forty minutes' careful observation of the 'spirit' form materialized by Miss Cooke, who was supposed to be seated in the cabinet, Mr. Volckman was convinced that the 'spirit' of Katie was no ghost but Miss Cooke herself. He therefore rushed forward and seized first the hand and then the waist of the white-robed figure. Some of the medium's friends came to the rescue by knocking Mr. Volckman down and turning the gas out, thus enabling the 'spirit' to regain the cabinet."

We have the authority of the spiritualist, Mr. Podmore, for the statement that, at a later seance, one William Hipp seized the hand of the 'spirit,' which was sprinkling him with water, and when a light was struck, found himself firmly grasping the hand of Miss Cooke.* Still later, according to the same authority, Miss Cooke was again seized while personating a spirit, after which she retired from the business.

The *R. P. A. Annual* for 1920, just to hand, contains an article by Dr. Ivor Tuckett, in which we are given the following information relating to Mrs. Brittain, who is one of Sir Arthur Conan Doyle's mediums:—

"In 1910 she was practising clairvoyance at Leek in Staffordshire, and, on November 2nd, 1910, was convicted of fortune-telling. Among other witnesses there was a policeman, who had dressed as a farmer when visiting her, but, while she made a number of incorrect guesses about his circumstances, her clairvoyant powers

* *Vide Podmore's Modern Spiritualism.*

failed to recognize his connection with the police. At the same time she wrote a letter to the *Staffordshire Sentinel* in which she said she 'would like to make one thing clear. The powers of clairvoyance and psychometry are not dependent on spiritualism and spirit people.' She next practised at Hanley and advertised as 'England's Premier Clairvoyant'; but on October 18th, 1915, was again convicted of fortune-telling, and was fined five guineas."

Comment is superfluous, and would be inept.

**THE RULE OF DESIRE:
A STORY.**

EMERGENCE.



ONCE upon a time, though it is not so very long ago, there were two brothers named John and Frank Lister. They were the dearest little fellows! Look at them as they stand together by their nurse-maid.

They are dressed as sailors in blue suits turned down at the collar, and wear straw hats bearing in gilt letters the names *Vanguard* and *Formidable*.

John, who is in front, is the elder. He is four, and a year older than his brother. He has dark hair and eyes, and long, grave features which bear the marks of pride.

Frank is altogether different. Partially hidden behind his nurse, and clinging to her skirts, he looks up at us, smiling mischievously, with roguish blue eyes set in a round face topped by golden curls.

The boys are so different in their personal appearance because of the mysterious workings of the laws of heredity, which may sometimes stamp on a child the lineaments of a parent, and at other times those of some remoter ancestor, it may even be of an ancestor who lived many generations back.

In their dispositions also the unlikeness between the brothers is striking. John is sensitive and easily wounded. His anger is a smouldering fire, and he is slow to forgive. He is reserved and deliberate in manner and speech, and he stands upon his rights, though he is also scrupulously just to others.

Frank wears his heart upon his sleeve. He is a jolly, genial little beggar, and every good-natured or merry thought that passes through his mind leaps at once into his eyes, and finds expression in word or

deed. Though much slower in taking offence, he too, like John, can be very angry, but with this difference, that his anger is as a raging flame which glows white-hot for a moment, and then as suddenly expires.

John is patient and persevering in his little tasks, and holds precocious views of the obligations of duty. Frank, though the more intelligent, has no great love for sustained effort, and there may already be noticed in him an inclination to tread the primrose path of life.

Curious, isn't it, that children coming of the same stock, and reared in the same surroundings, should be as diverse in quality of thought and feeling as in their bodily features !

But we see this happen every day. One child of a family is born sickly and peevish, while another is blessed with a superabundance of vitality ; one is eager and receptive, while another is sluggish and understands with difficulty ; one is impulsive and generous to a fault, while another is cautious and niggardly.

Nor is it possible to eradicate this ready-made character which we all bring with us into the world. Modified it certainly will be by the environment, that is by our surroundings and by each one of the myriad events, fortunate or unfortunate, which will meet us on our journey from the cradle to the grave. Education or the want of it, the moral training, whether good or bad, given by elders, and the disciplines of life with all its ventures and chances, will help to make a change in us.

But this transformation does not strike very deep. It is not altogether unlike the artificial smile we wear in the company of strangers, and it endures so long as the course of life runs on even wheels. It will not always outlast the hour of stress and trial. At such times the elemental forces in us may burst their

bonds, and, stripped of the wrappings with which habit and convention have swathed it, the naked soul will then display itself in its original endowment of strength or weakness or mere mediocrity.

If you reflect upon it, I am sure you will agree that there is much truth in this view of things, even if you are not disposed to admit that it is wholly true. You will, doubtless, also agree that the moral to be drawn from it is that we should not be hard upon another for a fault committed because he "couldn't help it," even when we feel that we ourselves might easily have avoided it.

Our jails and the slums of cities are full of the martyrs of the human race who are where they are because they "couldn't help it." They were made differently from us, and they didn't have our chances, that's all. If you deny this, and say it was due to "cussedness" on their part, you will be giving a flippant answer to what is a very serious question, because, after all, what caused them to be "cussed?"

No, this is not an argument that there should be no jails, or that we should tamely submit even to the lesser injuries of life on the view that people are not answerable for what they do. We have a right to protect ourselves against wrongs, however these may be caused, and besides, punishment and the fear of it are the most wholesome part of the environment of most of us. They help to reform us when we fall, and to keep us straight when we are tempted.

But what I do say is this, that when, in spite of these restraints, a man or a woman goes down, punishment should not take the form of revenge, and it should be accompanied by a sense of quiet thankfulness in us that circumstances, unconnected with any merit in ourselves, are the only cause why we and the offender didn't change places.

Now, another thing, I am not saying that men and women are fast bound in fate. There is a way out of our difficulties if we only knew. We don't know of it because we are fonder of reading novels and such trash than books on psychology.

Psychology is a new science. Quite a baby as yet in fact. But we have already learned from it that people can effect a permanent change in their character by simply *mind*ing.

What I mean is that you mustn't merely resolve to be good. That is of no use at all. What you must do is to take each of your failings singly, beginning with the biggest. Now keep on thinking how happy you would be, and how happy you might make some others, if you were to shake it off. Don't let go! Keep on hammering at it! Conjure up mental visions of yourself going about behaving as you would like always to behave!

Of course we all do something like this on New Year's day and on our birthday. *You* have done it often! Gone about, I mean, with a beatific smile, strewing the paths of those about you with the flowers of kind words and considerate acts! It didn't last! But that was because you didn't know what psychology teaches. The secret is to do it in the way I have told you, and to keep on doing it till you feel certain that you've turned the corner. After this you may ease off a bit, but you mustn't get conceited, because that is apt to bring on a relapse!

MATURITY.

John and Frank Lister lived with their parents in London. Dr. Lister was a medical man in good practice, and the children had every comfort, and were likely

to have every advantage, that mere money could procure for them.

Need I say how their mother loved them. Their very contrasts endeared them the more to her, filling her life with a succession of joyful changes and surprises. It must have been an affecting sight to see them together on her lap, a black head pressed against one of her cheeks, and a curly golden head resting against the other !

But now, I must tell you of something that suddenly happened—it came like a bolt from the blue—which will give you a nasty jolt. One day, when the children were walking with their nurse in the park, poor little Frank was stolen !

What happened was this. While his nurse was engaged in conversation with a “young man,” Frank ran off and disappeared behind a large shrub. There was a man waiting there who had beckoned to the child. This person, Simmons, had been Dr. Lister’s footman. It had become necessary to discharge him without a character. Simmons had got into very low water, from which he determined to extricate himself by a bold stroke. He decided to steal one of his former master’s children, and hold the boy to ransom ! Having enticed Frank to join him behind the shrub, it was easy to persuade the child to go farther, and some hours later Simmons and Frank arrived at the former’s lodgings in the outskirts of the great city.

The consternation which followed on the discovery of the boy’s loss, and the wild grief and despair of his mother, it would beggar my resources to describe. Every effort was made to recover the child. For many months Dr. Lister abandoned his practice, and he and Frank’s mother accompanied police officers through the streets and alleys of the city, and into cheap lodging houses, but it was all of no avail.

Do you doubt the possibility of a child being hopelessly lost in this way? If you do, you cannot know that every year a more or less certain number of children disappear in London, never to be seen or heard of again by those who seek them.

But to resume my story. Simmons had several narrow escapes of being caught, and this got so on his nerves that he abandoned his original intention of offering by letter to restore the child in return for blackmail.

Besides, he had been fond of Frank, and this feeling had deepened into affection as a result of their daily association. He therefore made up his mind to keep the child and bring him up as his own.

This is why, when I first met Frank more than a score of years after the events I have described, he was dressed in a workman's jacket, with his trousers held up under the knees by leathern thongs. Also his name was no longer Frank. He now answered to the name of Joe.

A fine, upstanding fellow he was, with honest, merry blue eyes, and a something about him which distinguished him from his mates. I expect it was the fact that the blood of several generations of gentle-folk ran in his veins.

But, of course, he had many of the limitations of his upbringing. He spoke the dialect of his class, and had but little education. He was also given, as when a child, to fiery outbursts of anger when provoked. You see he had been brought up in a rough school, where the training of the temper is a thing to which no attention whatever is paid.

Not that I would have you suppose that Joe, as I must now call him, sought for causes of offence, or that he was ever cruel to those weaker than

himself. On the contrary, he was naturally most chivalrous. All I mean is that, when roused by tyranny, or insult, or the sight of cruelty, he was apt to see red, and to spring at the aggressor like a tiger.

Joe passed many an evening at the Holborn Music Hall, to which place of amusement I also lent my patronage. What rousing times those were !

The artistes of the music-hall world were giants in those days. Who that saw him in his prime could forget the dashing Fred Coyne, with his pink cheeks and glossy black moustache. He was immaculately dressed for dinner, wore white gloves and a silk hat, and carried a "crutch" walking-stick, as all young "swells" then did. We used to take up the chorus with him—

"Oh, Jack, tell them to stop," that was the cry of Mar-i-ar,

The more she cried "Oh !" they said "Let it go !"

And the swing went a little bit high—er !

He was succeeded by the romantic Nelly Power, who warbled *Ehren on the Rhine*, very low and deep in the last verse, which used to bring a lump into Joe's throat and mine.

But the sentimental mood did not last, for Miss Vera Tollemache now took the stage. She was dressed in tights, and wore a man's top-hat, and in her hand she carried a slender riding-whip which she jauntily flourished.

In her song she roundly charged the entire male sex with being perfidious in affairs of the heart, the refrain of her ditty ending on the challenge—"Yes, you are !" Joe and a lot of us young fellows would shout back "No, we're *not*," but the lady, as usual, had the last word, and would repeat with emphasis,

to the accompaniment of the orchestra, "Yes, you are!"

FRUITION.

It is an evening at the end of June. The sun has set, but its slanting rays still tint with a golden glow the heavy masses of silvery-gray clouds.

All London is out of doors. Handsome carriages drawn by sleek horses roll through the streets, and the side-paths are thronged by pedestrians. Joe is among the crowd, making his way on foot to one of the parks. He goes rapidly along the intervening streets, passing by a succession of garden squares.

But what has come over him? Surely this is a different Joe! His fawn-coloured bowler hat, check suit, and tie are new, and his boots radiate a glossy splendour. His manner, too, is different from what it was. His voice has grown softer, and his eyes are as those of one who sees visions.

There is, of course, a sufficient cause for all these things. Previously we have seen Joe heart-whole, and happy in the society of his own sex. Now a change has overtaken him, reaching to the foundations of his being, and glorifying his future with the lustre of all the countless dawns that have broken on this age-long world! Which may seem to you to be, but is *not*, an exaggerated way of saying that Joe is in love with Mary Baker!

What a different place is London now for Joe. The grimy old town has been transformed into the city beautiful of his boyhood's dreams. All nature, too, is in harmony with his mood. The sparrows, from their perches on the window sills, are warbling—yes, sparrows!—*warbling*, and the pervasive scent of geraniums is abroad on the balmy air!

How suddenly full of wonder and hope his days have grown. They seem never to be long enough for him, now that he has so much to occupy his thoughts. At present he is in a fever of anticipation, for he is on his way to keep tryst. To this recompense has he looked eagerly forward through all the strenuous working hours of the day.

Socrates or some other sage said (Joe had the book out of a lending library)—“One moment is like every other moment, and there is no difference between one time and another time !” What rot ! . . . Poor old chap, *he* didn't live to know Mary Baker !

Now Joe sees her at a distance and waves his hat, and presently the lovers are clasping hands. Outwardly Mary is a contrast to Joe. She is a little woman. Usually a brunette, in times of excitement a vivid crimson mantles her cheeks. She has auburn hair of a dark hue, and her eyes beam with kindness and intelligence. At present, however, they are burning with a lovelight which is reflected from Joe's blue orbs.

Now the lovers are seated on a bench exchanging confidences. Some of their talk is about Bates, the foreman of the factory where Joe works. Bates is the only fly in the ointment of these young people's happiness.

It is like this. Bates himself was “sweet,” as he called it, on Mary before Joe came on the scene ; and, though the girl loathed the foul-mouthed brute and shrank from him, Bates got it into his head that, but for Joe, Mary would have succumbed to his wooing. Being no sportsman, and taking his disappointment badly, he had now learned to hate both Mary and Joe. Every petty vexation and annoyance in his power he inflicted on Joe at the factory. As to Mary, he was in the habit of persecuting her in the streets with sham protestations of love and pretences of being still very jealous of Joe.

When closing time was near the lovers left the park, and Joe saw Mary to her home, after which he started to return to his own quarter of the town.

He had gone most part of his way when, as ill-luck would have it, he saw at a distance under the light of a street lamp the approaching form of his enemy. Bates had been drinking with friends in a neighbouring public house, and was "fresh." He was likewise more foul-mouthed and brutal than ever. Recognising Joe, he turned to meet him, and in a moment the two men were standing face to face, for Bates had planted himself directly in Joe's path.

An aggravating grin distorted his face. "Took her home from the park, did yer," he said, "and what was you doing there? Nothing good, heh? Go on—you're a pair of bad 'uns." As he spoke, he reached out with his leg and kicked Joe viciously on the shin.

What followed happened with lightning suddenness. There was a loud thud as the back of Bates' head came in contact with the pavement, and Joe was on top of Bates, reaching for his throat. Another man came up, and gripped Joe by the collar, holding him back.

Joe recovered himself with an effort, and staggered to his feet. Bates lay very still, while a crowd assembled and a stretcher was procured.

Meanwhile Joe was on his way to the police station in the grip of two constables. To the Inspector who took the charge Joe admitted, after being duly warned, that he had intentionally knocked Bates down. He added that he acted under provocation, but mentioned no particulars.

Of course he was locked up, and was brought next morning before a magistrate. I was informed of the trouble Joe was in and attended the court. All the witnesses were present, so there was no occasion for a remand. A police constable deposed that he had had

Bates taken to the hospital, and a medical officer of the institution proved that Bates had died during the night as the result of a fractured skull. Two witnesses deposed to seeing Joe on the prostrate form of Bates, and the Inspector from the station-house proved Joe's admission that he had attacked Bates and felled him.

Nothing remained to be done but to commit Joe for trial at the ensuing criminal sessions, and when this formality was completed, Joe was removed in custody.

A weary and trying month elapsed before Joe was fated to appear before a jury of his countrymen to answer the gravest charge on which a man may be indicted. In the interval I saw Mary often, and tried to assure her that the affair was little more than an accident, entailing no very serious consequences, but I feared in my heart that the law would regard it in a much graver aspect.

Mary saw Joe once in the prison before the trial. It was a trying interview, presided over by a warder who stretched his duty as far as he could to give the young couple the impression of not being overlooked by him.

DOOM.

John Lister and his wife Madge are spending the last hour of the evening in the drawing-room of their home in London. It is a spacious room, luxuriously furnished, and bespeaks the possession of ample means, which is what might be expected seeing that John was his father's only heir.

Lister, in outward appearance, reminds us of the child of nearly twenty-five years ago. Inwardly, how-

ever, he is much changed. He worked hard in school, and later at the University where he was one of the most distinguished students of his time. Afterwards he was called to the bar, where his prospects are of the brightest.

But he is a man whose interests are not wholly absorbed by his professional duties. He has read much, and is in the habit of doing his own thinking. Knowledge and mental discipline have worn away his angles. He is no longer sensitive to fancied slights, nor does he brood over real or imaginary wrongs. His strong, thoughtful face shows culture and toleration in every line of it.

To-morrow Lister is to appear on behalf of the Crown to prosecute an accused person on his trial for murder. Chance brought the case his way. The public prosecutor fell suddenly ill. Owing to this and other causes, it became necessary to offer the brief to an outsider, and Lister's record recommended him to those with whom the selection lay.

As usual, he has told Madge all about the case, and they are discussing it.

Madge : You don't think the prisoner will be hanged, do you ?

John : Well, I hope and think not, but it is difficult to say. There is such a thin line between murder and manslaughter.

Madge : I feel sure he didn't mean to kill the man.

John : As to that, the rule the law lays down is that the intention is to be judged by what a person does. In other words, a man is presumed to have intended all the natural consequences of his act. Here, you see, the prisoner knocked the other man down on a stone pavement with such force as to fracture his skull. If his intention is to be gathered only from the consequence of his act, what is the conclusion ?

Madge : But he said he was much provoked. Wouldn't that help him ?

John : It might if there was any witness of the fact. But no third person saw or heard what passed before the attack, and the burden of proof is on the prisoner.

Madge : Do you mean to tell me that in such cases it all depends on the chance whether somebody else was present ?

John : I do indeed.

Madge : But wouldn't the judge and jury believe him if he told his own story to them ?

John : He can't do that, unfortunately. Our ancestors, in their wisdom, decided that a person accused of an offence should not be allowed in any sort of a case to give evidence on his own behalf. This often leads to grave injustice, and some men are trying to get the law altered.*

Madge : Well, I think that shameful and most unreasonable. But I do hope the poor fellow won't be hanged.

John : I don't believe he will. But I would rather things could be so arranged that it wasn't necessary to punish him at all.

Madge : What, not punish him at all ! You can't mean that. Why not ?

John : Because some people, whom I respect, say, and I'm not sure that they aren't right, that we all of us act in accordance with the dominant desire. What they say is that people should be taught to think rightly if they are to do rightly, and that locking them up and treating them as if they had lost all human rights, doesn't usually change them for the better. No popular label has been given to this theory yet, but I should call it the rule of desire.

* The law has been altered in England since the date to which this story belongs.

Madge : Oh, John ! All of us really act in accordance with our desires ! You surely don't mean that people always do things from a *selfish* motive ?

John : I shouldn't call it by that name myself.

Madge : But then what about sacrifice ? Think of what I read to you last night in connection with the shipwreck. It was bitterly cold, and a poor mother in the boat wrapped her shawl about her child, and she was one of those who died of exposure. Surely she didn't give up the shawl to please herself !

John : Would she have done the same thing if the child had belonged to another woman ?

Madge : Well, I don't know. Perhaps not. But suppose she wouldn't have done it—what would that prove ?

John : It would prove that she didn't act from what is called an altruistic motive. I should say that thinking of her baby's sufferings caused her so much pain, such intolerable anguish, that it was a relief to her to part with the shawl. It was the lesser of two evils.

Madge : You mean she felt that she would be *happier* without the shawl, and so she really did please herself by giving it up !

John : Well, I rather think she acted in obedience to the rule of desire.

Madge : Then what about those noble people who have given their lives for others, even for strangers ?

John : I should say that they were happier in sacrificing themselves. Perhaps they felt for their weaker brothers and sisters as a mother feels for her child. You must remember how utterly different the natures of people are. Some seem to have none but low or even criminal desires. Didn't you also read to me of the poor creature who was convicted for the

thirty-second time ? It was said that she had passed nearly all her life in jail. She seems to have had hardly a chance. On the other hand, some people usually have high desires, and a few the highest. But the majority, of course, don't fall into either group. They haven't sufficient strength of purpose to be very good or bad.

Madge : Don't people then ever do anything which they *don't* want to do ?

John : Not literally, in the way you mean it. You see, everything we do is preceded by a volition, which is only another term for the master desire about to be put into action. When we do something which it gives us pain to do, because we think it is the right thing to do, we still act in accordance with the dominant desire.

Madge : Religion ought to help us to conquer every wrong desire. That is a force in human life, surely ?

John : Why, yes, the religious spirit is an enormous force for good in the case of the small number whose lives are guided by it. But with most people other things act as a spur. Along with self-interest, and love for family or friends, there is ambition, and the fear of shame or failure, and even hatred of another person. Any of these things and others will be a spring of action when it makes a sufficient appeal to the nature of the individual.

Madge : Don't you think it would make people worse to believe that everybody doesn't get the same chance ?

John : It doesn't have that effect. I assure you. Many of the people who think in this way are devoting themselves to the work of helping others. They wish to improve the social conditions of the majority, especially of those least able to help themselves, because they say that character is largely a matter of the

environment. If a man or a woman goes down they want to pick them up, and feed and house them decently, and teach them right ways of thinking, instead of punishing them. And there is a deal of charity in this way of seeing things. These people are at the opposite extreme of thought from those who gloat over a case of what they call righteous retribution.

* * * * *

I was present in court next day at Joe's trial. So also was Mary Baker, who stood throughout the proceedings by the side of her father, her face wearing a look of frozen horror. Joe turned to her constantly and smiled encouragement from his place in the dock.

The Judge, sitting in solitary state, arrested my attention. His robes were scarlet. He was an elderly man with a homely, rugged face, and a steely-gray eye which bored like a gimlet when I once thought he looked across at me.

An official formally asked Joe whether he pleaded guilty or not guilty.

"I did it, Sir," said Joe, "but I didn't mean to kill him. He—" But he was headed off by the official, who explained to him that he should say guilty or not guilty.

"Guilty," answered Joe. Here the Judge interposed.

"I shall not act on a plea of guilty," he said. "Mr. Lister, will you open your case?"

John Lister rose to address the jury. All eyes turned towards him as he did so, including Joe's.

Before John began he himself turned towards the dock, and the two brothers looked at one another! Lister was taken aback for a moment. Where had he seen that face before? It seemed to come back to him as a haunting memory of the past through the mists of

many years. But no, absurd, it could not be ! He turned to the business in hand.

When he had finished explaining the law and the facts of the case to the jury, the same witnesses were called and examined as in the committing court. They were cross-examined by Joe's barrister, who naturally elicited nothing from them favourable to the prisoner.

Lister then briefly summed up the case for the Crown, and it was then the turn of Joe's counsel to address the jury. He pointed out to them how unfair the law was in gagging Joe, and argued that the facts themselves strongly suggested that Joe acted under sudden and grave provocation, no evidence having been given of a motive.

After this came a short charge by the Judge. The jury gave their verdict at once, without leaving the court. It was "Guilty of man-slaughter." They recommended the prisoner to mercy.

I heard the Judge address Joe, but could not follow all he said. "Merciful view of the case" were the only words I caught, and then came the sentence—ten years' penal servitude !

Poor old Joe staggered and gripped at the rails when he heard it, and he was unsteady on his feet when he stepped out of the dock and made for the cells in charge of the prison warders.

When he came abreast of where Mary stood he smiled at her, though in a somewhat vacuous way, I suppose in the hope of cheering her up, and he raised his hand in a farewell salute.

Some seconds later I heard a sharp cry of despair. Joe was near the door at the end of the room by this time, but he also had heard the cry, and he seemed to know the voice. Because he stopped, and turned, and made as if he would force his way back to where Mary

tood. But powerful arms restrained him. Not roughly or unkindly, but inexorably, he was guided through the exit, and disappeared from view.

And so another human tragedy came to be written on the scroll of fate !

